

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ELIZABETH M. STARKEY,

Plaintiff,

-vs-

FIRSTSOURCE ADVANTAGE, LLC a/k/a
ACCOUNT SOLUTIONS GROUP, LLC d/b/a ASG,

Defendant.

THOMAS F. MOLTZ,

Plaintiff,

-vs-

FIRSTSOURCE ADVANTAGE, LLC also
known as ACCOUNT SOLUTIONS GROUP, LLC,

Defendant.

DONNA RILEY,

Plaintiff,

-vs-

FIRSTSOURCE ADVANTAGE, LLC,

Defendant.

Sue Ann Simonin Court Reporting

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Buffalo, New York 14202



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SUSAN MOORE,

Plaintiff,

-vs-

FIRSTSOURCE ADVANTAGE, LLC,

Defendant.

Examination Before Trial of
JESSICA AMBER WILTON, taken pursuant to the Federal Rules of
Civil Procedure, in the law offices of KENNETH HILLER, 6000
North Bailey Avenue, Suite 1A, Amherst, New York, taken on
January 27, 2009, commencing at 10:10 A.M., before CARLA M.
GLINSKI, Notary Public.

1	13	Response to Plaintiff's First	6
2		Set of Interrogatories	
3	14	three Pages of File Notes	6
4		dated May 7, 2008	
5	15	a Collection Communications	105
6		Log	
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(Whereupon, a Collection Services Agreement
was then received and marked as Plaintiff's
Exhibit 1;
a Letter dated May 9, 2008 was then received and
marked as Plaintiff's Exhibit 2;

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Page 6	Page 8
<p>1 Exhibit 10; 2 a Response to Plaintiff's First Set of 3 Interrogatories was then received and marked as 4 Plaintiff's Exhibit 11; 5 a Response to Plaintiff's First Request For 6 Production of Documents was then received and 7 marked as Plaintiff's Exhibit 12; 8 a Response to Plaintiff's First Set of 9 Interrogatories was then received and marked as 10 Plaintiff's Exhibit 13; and 11 three Pages of File Notes dated May 7, 2008 were 12 then received and marked as Plaintiff's Exhibit 13 14, for identification.) 14 15 16 JESSICA AMBER WILTON, 17 1382 East Park Road, 18 Grand Island, New York 14072, 19 after being duly called and sworn, 20 testified as follows: 21 22 MR. BUSHWAY: Let's just put something on the record. 23 What we've agreed to off the record is that there</p>	<p>1 ability to testify accurately at this deposition? 2 A.No, I am not. 3 Q.Okay. And what documents did you review in order 4 to prepare for this deposition? 5 A.The collection notes. 6 Q.Any other documents? 7 A.No. 8 Q.Okay. And what is your -- well, where are you 9 employed? 10 A.I'm employed with Firstsource Advantage. 11 Q.And what is your title there? 12 A.Operations manager. 13 Q.And what are your responsibilities as an 14 operations manager? 15 A.My responsibilities are to oversee the clients 16 that we have -- well, that are assigned to me for 17 revenue and work standards, that sort of thing. 18 To abide by the contracts that we have with them. 19 Q.And how long have you been employed as the 20 operations manager? 21 A.Two years. Almost two years. 22 Q.And what was your employment immediately prior to 23 that?</p>
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<p>1 are four pending lawsuits. Mr. Hiller and I have 2 agreed that we're going to put all four captions 3 on it. He will to the best of his ability to 4 keep the general questions as one block and 5 identify somehow in the record when we're going 6 into testimony specific to each of the Plaintiffs 7 so that we can keep the transcript -- 8 MR. HILLER: Somehow bifurcated. 9 MR. BUSHWAY: And eliminate the need to do the 10 testimony times four. 11 12 EXAMINATION BY MR. HILLER: 13 14 Q.All right. Ms. Wilton, my name is Kenneth 15 Hiller. I represent the four Plaintiffs in these 16 actions. I'm going to ask you a number of 17 questions. I would ask that you answer all the 18 questions verbally. And if you have any 19 questions -- if you don't understand a question, 20 feel free to ask me to rephrase it. 21 A.Okay. 22 Q.Are you suffering from any illnesses or on any 23 medication this morning that would impair your</p>	<p>1 A.I was a supervisor. 2 Q.At Firstsource? 3 A. Correct. 4 Q.How many years have you worked at Firstsource? 5 A. Three. 6 Q.And where did you work before Firstsource? 7 A.Capital Management. 8 Q.And how long did you work there? 9 A. Just a few months. 10 Q.And what was your position there? 11 A. Supervisor. 12 Q. Supervisor of whom? 13 A. Capital One. 14 Q. Oh. 15 A. The client is what I supervised. 16 Q. You supervised the collection of accounts -- of 17 Capital One accounts by Capital Management? 18 A. Correct. 19 Q. And prior to being the operations manager at 20 Firstsource, for the year prior to that, what was 21 your position? 22 A. The year prior to that. Wait. Repeat the 23 question.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q. You said that you had worked two years as an 2 operations manager and that you worked there for 3 three years. What was the other position that 4 you held? 5 A. Supervisor. 6 Q. Of any particular account? 7 A. Washington Mutual. 8 Q. And what does a supervisor of an account do? 9 A. They coach and develop the team that collects on 10 that portfolio. 11 Q. Okay. And tell me about Firstsource a little 12 bit. Do they do any business activities other 13 than debt collection? 14 A. Not that I am aware of. Well, globally we do. I 15 don't want to misspeak. 16 Q. Okay. 17 A. We do telecom BFSI, and we do health care 18 globally. 19 Q. What is telecom BFSI? 20 A. BFSI is banking and finances which is where -- 21 what I do that falls into that category. As far 22 as what they do with telecom and health care, I 23 know there is adjudication involved, but the</p>	<p style="text-align: right;">Page 12</p> <p>1 years ago. 2 A. Yes. 3 Q. And does Account Solutions Group still maintain a 4 separate identity? Do they still exist at all? 5 A. No. 6 MR. BUSHWAY: Well, let me -- I don't know if she 7 knows the corporate -- whether they exist as a 8 corporate filing somewhere, but she can, in terms 9 of the practical -- 10 BY MR. HILLER: 11 Q. Right. In other words, are any letters issued by 12 Firstsource under the title Account Solutions 13 Group? 14 A. No. 15 Q. Do you know when Firstsource stopped using a 16 title -- stopped using the name of Account 17 Solutions Group? 18 A. I can't remember any specific date, but -- I do 19 remember the changeover, but I couldn't tell you 20 what day it was or what month it was. 21 Q. Well, after you began were they still using the 22 name Account Solutions Group -- 23 A. Yes, they were.</p>
<p style="text-align: right;">Page 11</p> <p>1 particulars I don't know. 2 Q. Does it involve the collection of debts? 3 A. Not that I'm aware of, no. 4 Q. Okay. And do you know how long Firstsource has 5 been operated as a company? 6 A. Well, we were previously Account Solutions Group. 7 We were acquired by Firstsource Advantage which 8 was an India-based operation. So prior to 9 Firstsource's acquisition, we were strictly just 10 collections here in Amherst. 11 Q. All right. So when you began your employment 12 with Firstsource, it was then known as Account 13 Solutions Group? 14 A. Correct. 15 Q. And when did Firstsource purchase Account 16 Solutions Group? 17 A. I'm not sure what the year and date was. They 18 had already made the acquisition when I was 19 employed, but the people that had previously 20 owned it had not parted from the company yet, so 21 I'm not really sure, you know, what the whole -- 22 Q. But it was more than three years ago then? 23 Because you started with Account Solutions three</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. -- in some of their activities? 2 A. Yes. 3 Q. So as operations manager, are you responsible to 4 supervise a number of accounts? 5 A. Yes. 6 Q. Okay. Is Time Warner Communications one of those 7 accounts? 8 A. Not presently, no. 9 Q. And who do you report to? Who is your 10 supervisor? 11 A. My supervisor is Michelle Lewis. 12 Q. What's her position? 13 A. She is a deputy general manager. 14 Q. And does Firstsource have centers where 15 collectors collect debts? 16 A. Correct. 17 Q. And do you know how many call centers they have? 18 A. I'm not certain. 19 Q. Do they have a call center here in Western New 20 York? 21 A. Yes, in Amherst. 22 Q. Do you know how many debt collectors actually 23 doing collection calls are employed by</p>

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1 Firstsource?
 2 MR. BUSHWAY: Currently or back in --
 3 MR. HILLER: Currently.
 4 THE WITNESS: Current? I don't have an exact figure.
 5 BY MR. HILLER:
 6 Q. Do you have an approximate number?
 7 A. I would say in Amherst alone, probably around
 8 four hundred. Three hundred to four hundred
 9 people.
 10 Q. Were all of the accounts on the four cases we're
 11 involved in here today collected by or were
 12 attempts to collect those debts done by debt
 13 collectors located here in Western New York?
 14 A. They were not -- the attempts were not made by
 15 collectors themselves, no.
 16 Q. Well, they were made -- there was attempts made
 17 by collectors, but not those -- by automation?
 18 MR. BUSHWAY: Are you asking whether the
 19 debt-collection activities in these four cases
 20 came out of the Amherst call center?
 21 MR. HILLER: Yes.
 22 THE WITNESS: Yes, they did.
 23 BY MR. HILLER:

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1 Q. All right. When Firstsource purchased Account
 2 Solutions Group, did they take the employees of
 3 Account Solutions Group with that purchase?
 4 A. Correct.
 5 Q. And did Account -- does Firstsource use a
 6 software to maintain and monitor their collection
 7 accounts?
 8 A. Yes.
 9 Q. What is that software?
 10 A. Columbia Ultimate Business Systems.
 11 Q. I'll refer to that as the CUBS system.
 12 A. CUBS, correct. Yeah.
 13 Q. Did Account Solutions Group use the CUBS system?
 14 A. Yes.
 15 Q. The very same software?
 16 A. Yes.
 17 Q. So when Firstsource acquired Account Solutions
 18 Group, can you explain to me how the existing
 19 accounts were transferred to Firstsource in their
 20 collection software?
 21 A. I don't know the answer to that question.
 22 Q. Who would know the answer to that question?
 23 A. Theresa Milbrath.

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1 Q. Theresa -- what's the last name?
 2 A. M-I-L-B-R-A-T-H.
 3 Q. And what's her position?
 4 A. She is the director of client relations.
 5 Q. Can you tell from account notes on a particular
 6 debtor whether the account originated with
 7 Account Solutions Group or Firstsource?
 8 A. I don't believe that that's on the notes, no.
 9 Q. Okay. Was Account Solutions Group doing Adelphia
 10 Cable and Time Warner collections before their
 11 purchase -- before they were purchased by
 12 Firstsource?
 13 A. Not to my knowledge.
 14 Q. All right.
 15 A. I'm almost certain that we acquired that contract
 16 post sale.
 17 Q. I want to show you what's been marked as Exhibit
 18 1.
 19 A. Okay.
 20 Q. Can you identify that?
 21 A. This looks just like a standard contract.
 22 Q. And who are the parties to the contract?
 23 A. Time Warner Cable and Account Solutions Group.

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1 Q. So would that indicate to you that the contract
 2 between Time Warner for -- with Time Warner
 3 originated with Account Solutions Group?
 4 A. When we were called Account Solutions Group, yes.
 5 MR. BUSHWAY: Object to the form.
 6 BY MR. HILLER:
 7 Q. All right. And is that contract kept by
 8 Firstsource in their ordinary course of business
 9 operations?
 10 A. Yes.
 11 Q. And is that a true copy of the contract?
 12 A. I don't know.
 13 Q. Okay.
 14 A. I don't keep the contracts.
 15 Q. All right. Can I just have that back for a
 16 second.
 17 MR. BUSHWAY: Do you have a second copy? You know,
 18 instead of handing it back and forth, if you want
 19 to --
 20 BY MR. HILLER:
 21 Q. Let me see. I'd like you to read, if you could,
 22 paragraph fourteen of that agreement.
 23 A. Certainly. Neither party may transfer or assign

<p style="text-align: right;">Page 18</p> <p>1 all or a portion of its rights, obligations and 2 duties under this agreement without the written 3 consent of the other party. 4 Q.Okay. So that -- would you agree that that is -- 5 that that evidences that the parties -- well, 6 could you please explain to me what you interpret 7 that provision to mean. 8 MR. BUSHWAY: Object to the form. I'm not going to 9 let her interpret the contract. It's a legal 10 document. She has testified she didn't -- you 11 didn't ask her if she drafted it, but it's a 12 contract. She's not going to interpret it for 13 you. 14 BY MR. HILLER: 15 Q.Okay. Well, you can answer the question. 16 A.Okay. I would assume that that meant that we are 17 not authorized to give any information that we 18 receive out to another party. 19 Q.Okay. Thank you. 20 A.Certainly. 21 Q.All right. Now, the company Firstsource uses the 22 CUBS software system, correct? 23 A.Yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 A.I don't know exactly. 2 Q.Who would know that? 3 A.Theresa Milbrath. 4 Q.Do you know if they are provided with a telephone 5 number? 6 A.Yes. 7 Q.Are they provided with a name and Social Security 8 number? 9 A.If available, yes. 10 Q.Are they provided with an address? 11 A.Yes. 12 Q.Do you know if the -- if there is any information 13 provided by Time Warner or previously Adelphia as 14 to how they obtained the telephone number? 15 A.No. 16 Q.They don't tell you that? 17 A.No. 18 Q.So Firstsource would not know whether or not the 19 telephone number was provided by the debtor in 20 connection with their application for services or 21 sometime thereafter? 22 A.I can't answer for anybody else in the 23 organization if they would know, whether sales</p>
<p style="text-align: right;">Page 19</p> <p>1 Q.Is there a version of that software that's used, 2 do you know? 3 A.There is a version. I'm not -- I don't know 4 exactly what version it is. It gets upgraded I 5 know. 6 Q.Would Theresa Milbrath know that? 7 A.She may. If she doesn't, it would be Christopher 8 Habschied that would. 9 Q.Christopher -- could you spell that? 10 A.It's H-A-B-S-C-H-I-E-D. 11 Q.And what's his position with Firstsource? 12 A.He is the CUBS programmer. 13 Q.Does Firstsource possess a manual or guide 14 provided to them by CUBS as to how to operate and 15 use the CUBS software? 16 A.I don't know. 17 Q.Who would know that? 18 A.Christopher Habschied. 19 Q.When Firstsource, or ASG previously, receives an 20 account from Time Warner, can you tell me what 21 information is provided to them? 22 A.On initial placement? 23 Q.Yes.</p>	<p style="text-align: right;">Page 21</p> <p>1 would have information on that. I as the 2 operations manager would not. 3 Q.Okay. But you're not aware of that -- as 4 corporate representative you're not familiar or 5 you don't -- let me start over on that. 6 First of all -- I probably should have done 7 this earlier -- you are appearing today as the 8 corporate representative of Firstsource, is that 9 correct? 10 A.Correct. 11 Q.And your answers to questions today are made 12 pursuant to the deposition notice that we served 13 upon your attorney for this deposition? 14 A.Yes. 15 MR. BUSHWAY: I don't know if she's ever seen the 16 notice, but -- 17 BY MR. HILLER: 18 Q.All right. So all your prior answers and future 19 answers, when you answer, you're answering on 20 behalf of the corporation, is that correct? 21 A.Correct. 22 Q.Okay. As corporate representative, are you 23 testifying that you're not familiar with any</p>

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<p>1 information that is provided to Firstsource</p> <p>2 concerning how Time Warner or Adelphia obtained</p> <p>3 the phone number from the debtors?</p> <p>4 A.No.</p> <p>5 Q.How do you open a collection account?</p> <p>6 A. We actually enter in our initials. We are</p> <p>7 assigned CUBS -- what's called CUBS initials. We</p> <p>8 go into a screen that says collector. We hit</p> <p>9 that letter. It's numeric. Or, it's an</p> <p>10 alphanumeric process. You open it up with a</p> <p>11 letter, with more letters, and then you hit a</p> <p>12 period and an enter, and it automatically brings</p> <p>13 you to your very first account that is in your</p> <p>14 queue.</p> <p>15 MR. BUSHWAY: Were you asking as a collector</p> <p>16 individually or when they got the account, in</p> <p>17 this case from Time Warner, how do they take the</p> <p>18 data and --</p> <p>19 BY MR. HILLER:</p> <p>20 Q.I'll clarify. When Time Warner assigns an</p> <p>21 account to Firstsource to collect, can you tell</p> <p>22 me what the first thing is that Firstsource does</p> <p>23 with the information that they're provided?</p>	<p>1 Q.All right. And do you know what steps are</p> <p>2 involved in opening up an account?</p> <p>3 A.From the time it enters?</p> <p>4 Q. Yes.</p> <p>5 A.No.</p> <p>6 Q.After an account is opened, can you tell me what</p> <p>7 the first thing is that Firstsource does with</p> <p>8 that account?</p> <p>9 A.Once they're opened, they go into what we call a</p> <p>10 desk, a new business desk. The operations</p> <p>11 manager at that point is responsible for</p> <p>12 distributing that business either to collector</p> <p>13 files or maybe what we call an open desk. Which</p> <p>14 would mean that it's not assigned to an</p> <p>15 individual collector but a queue within CUBS.</p> <p>16 Q.And as operations manager, would you be doing</p> <p>17 those activities?</p> <p>18 A. Yes.</p> <p>19 Q.So you would obtain or an operations manager</p> <p>20 would obtain the account after it was already</p> <p>21 opened?</p> <p>22 A. Correct.</p> <p>23 Q.And what information is made available to you at</p>
Page 23	Page 25
<p>1 A. That again would be Theresa Milbrath. She would</p> <p>2 be able to tell you that.</p> <p>3 Q.All right. Well, in some fashion is the</p> <p>4 information uploaded --</p> <p>5 A. Yes.</p> <p>6 Q.-- into the Firstsource computer? Is an account</p> <p>7 opened?</p> <p>8 A. Yes.</p> <p>9 Q.And do you have a name for those accounts or just</p> <p>10 accounts?</p> <p>11 A. Just accounts.</p> <p>12 Q.Okay. And a number is assigned to the account?</p> <p>13 A. Yes.</p> <p>14 Q.Okay. And who assigns the numbers to the</p> <p>15 accounts?</p> <p>16 A. That I do not know.</p> <p>17 Q.Some person though at Firstsource assigns numbers</p> <p>18 to the accounts?</p> <p>19 A.I'm not sure if it would be a person or if it's</p> <p>20 the computer system just assigning it in order.</p> <p>21 I don't know.</p> <p>22 Q.And who would know that?</p> <p>23 A. Theresa Milbrath.</p>	<p>1 the time that you -- that an operations manager</p> <p>2 such as yourself becomes involved in an account?</p> <p>3 A. When I'm looking at a brand-new account,</p> <p>4 typically I see the name, the address, the phone</p> <p>5 number, the Social Security number, the amount of</p> <p>6 the debt, when it was placed with us, when it was</p> <p>7 incurred. Sometimes we'll get credit reports on</p> <p>8 accounts that we can go in and view depending on</p> <p>9 balance.</p> <p>10 Q.And is there any collection activity done at all</p> <p>11 prior to the operations manager reviewing the</p> <p>12 account for the first time?</p> <p>13 A.It depends on when the operations manager</p> <p>14 actually moves it from queue to queue. We do</p> <p>15 send out a standard dunning notice within</p> <p>16 twenty-four hours of placement.</p> <p>17 Q.So that's basically automated, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And would a credit report already be on file</p> <p>20 possibly by the time an operations manager looks</p> <p>21 at the account?</p> <p>22 A. Not typically, but it is possible. Again, it</p> <p>23 depends on when those accounts are moved. It's</p>

<p style="text-align: right;">Page 26</p> <p>1 all in timing.</p> <p>2 Q. And how would it be determined whether -- how</p> <p>3 would it be determined that a credit report</p> <p>4 should be obtained?</p> <p>5 A. We do it by balance on account, so it really</p> <p>6 depends on the actual, the actual client that</p> <p>7 we're checking for. Typically we don't order</p> <p>8 credit reports on balances under a thousand</p> <p>9 dollars, but that is not written in stone.</p> <p>10 Q. Okay. Other than obtaining the credit report and</p> <p>11 sending out a dunning notice, is there any other</p> <p>12 collection activity performed on the account</p> <p>13 prior to the operations manager being involved in</p> <p>14 the account?</p> <p>15 A. Not that I know of, no.</p> <p>16 Q. And your testimony is that there's two things</p> <p>17 that the operations manager might do. They might</p> <p>18 distribute to a collector file or to an open</p> <p>19 desk?</p> <p>20 A. Correct.</p> <p>21 Q. So if it's distributed to a collection file, can</p> <p>22 you tell me what the operations manager would do</p> <p>23 at that point?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. All right. And what's that queue name?</p> <p>2 A. Which one?</p> <p>3 Q. The open desk.</p> <p>4 A. It would depend on the client. We name our own.</p> <p>5 Q. And would that be -- the open desk, would that be</p> <p>6 where a collector doesn't have anything left in</p> <p>7 their collection files and they're looking for</p> <p>8 some work so they grab it from the desk queue?</p> <p>9 A. Sometimes.</p> <p>10 Q. So after an account is opened and distributed to</p> <p>11 a debt collector, what next ensues on that</p> <p>12 account?</p> <p>13 A. Collection activity.</p> <p>14 Q. All right. And what sort of collection</p> <p>15 activities?</p> <p>16 A. Placing phone calls.</p> <p>17 Q. And these would be what type of phone calls?</p> <p>18 A. To collect upon the debt.</p> <p>19 Q. They would personally pick up the phone or hit a</p> <p>20 button to get a -- to open a line?</p> <p>21 A. Yes.</p> <p>22 Q. And call the person, the debtor, personally?</p> <p>23 A. That is correct.</p>
<p style="text-align: right;">Page 27</p> <p>1 A. What we would do, we have what's called a</p> <p>2 distribution list that has all of the CUBS</p> <p>3 initials of the desks that it would flow to. And</p> <p>4 we actually have a module within CUBS where we</p> <p>5 take the desk that they're currently in and it</p> <p>6 automatically just randomly disperses them out</p> <p>7 based on criteria that we're implementing into</p> <p>8 the system.</p> <p>9 Q. And it's in a queue?</p> <p>10 A. Yes.</p> <p>11 Q. So a collector is working at his desk working on</p> <p>12 a file. When he's done with that, the next one</p> <p>13 comes to his attention?</p> <p>14 A. Comes to his attention.</p> <p>15 Q. And how does that differ from the open-desk</p> <p>16 process?</p> <p>17 A. The open-desk process, it doesn't have ownership</p> <p>18 to a collector. A collector file. It's in a</p> <p>19 desk where other collectors can go into it and</p> <p>20 obtain the account to view, but they don't have</p> <p>21 actual ownership or responsibilities to it.</p> <p>22 Q. So that is a different queue?</p> <p>23 A. Yeah. Every queue has its own name.</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. And speak to them live over the phone?</p> <p>2 A. Correct.</p> <p>3 Q. Are automated calls made to the debtors?</p> <p>4 A. Yes.</p> <p>5 Q. Does the debt collector originate those calls?</p> <p>6 A. No.</p> <p>7 Q. How are those calls made?</p> <p>8 A. Well, we have two automated devices that we use.</p> <p>9 One is what's called a Blaster which goes through</p> <p>10 our dialer process. The other one is called</p> <p>11 Soundbite which is a third-party vendor that we</p> <p>12 have a contract with that we load into a queue</p> <p>13 and they get dispersed. Now, it is an outbound</p> <p>14 call, and that call can route back to an actual</p> <p>15 collector with a live contact.</p> <p>16 Q. So Soundbite makes a call, and if somebody, if</p> <p>17 somebody answers the call, it routes that call to</p> <p>18 a collector who's available?</p> <p>19 A. Correct.</p> <p>20 Q. When Soundbite makes a call and if nobody answers</p> <p>21 the phone, is an automated message left?</p> <p>22 A. It can be.</p> <p>23 Q. It can be.</p>

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1 A. We have the option as operations managers to say
 2 whether we want a message delivered or not.
 3 Q. And in a collection account, is there a way to
 4 determine whether a call left a message or not?
 5 A. Yes. Soundbite automatically documents that in
 6 the note line upon -- it will, it will show up
 7 the next day though because it happens with a
 8 day-end process when CUBS updates all of its
 9 files.
 10 Q. If a person answered -- if a debtor answers a
 11 telephone call made by Soundbite, do they -- are
 12 they -- do they receive an automated message?
 13 A. Yes. There is a -- what's called a whisper, and
 14 it will, it will tell the collector what
 15 reference number they need to pull up within our
 16 system.
 17 Q. Well, but I'm talking about the debtor. When the
 18 debtor picks up the phone on a call made by Sound
 19 Blaster, do they receive an automated message of
 20 some sort?
 21 A. Yes.
 22 MR. BUSHWAY: Soundbite. You said Sound Blaster.
 23 You combined the two.

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1 BY MR. HILLER:
 2 Q. I'm sorry. So Soundbite -- something along the
 3 lines of please hold for a representative?
 4 A. Yes. It will ask them are you so and so. If you
 5 are so and so, please press one. If this is a
 6 wrong number, please press three. I'm not
 7 certain of the exact verbiage, but, yes, this is
 8 an automated -- yes.
 9 Q. So the person would have to press one to be put
 10 through to a debt collector?
 11 A. Yes.
 12 Q. What happens if the person presses the button
 13 saying they're not the correct person?
 14 A. Then the call is put to the collector and the
 15 collector says is this a wrong number for so and
 16 so, and they say yes; we apologize.
 17 Q. How does the Soundbite program differ from the
 18 Blaster program?
 19 A. The Blaster program does not deliver those. It
 20 doesn't search for a live party and deliver that
 21 to a collector.
 22 Q. It just leaves an automated message saying to
 23 call us back?

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1 A. Correct.
 2 Q. And every call, whether answered by somebody or
 3 not, it would leave that automated message,
 4 correct?
 5 A. Correct.
 6 Q. And all of the calls made by Blaster or Soundbite
 7 would be reflected in a log that is kept by
 8 Firstsource, is that correct?
 9 A. Correct.
 10 Q. Now, when a call is made -- well, how is it
 11 determined how many calls are made by Soundbite
 12 or Blaster?
 13 A. The operations manager determines that based on
 14 the criteria that we want to implement. So we
 15 may segment our business by a -- what's called a
 16 recovery score. And the highest propensity to
 17 pay might be what we want to target. So it
 18 really depends on our strategy and what we want
 19 to target. And we actually query for those files
 20 and we tell CUBS this is what we want. CUBS then
 21 searches through all of the debtor files to find
 22 that information, those accounts that pertain to
 23 that query, and we can load it through the

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1 Soundbite system through a temp file in Excel.
 2 Q. So you have a class of files, perhaps very
 3 collectable files?
 4 A. Um-hum.
 5 Q. And you might program CUBS to say call them once
 6 per day?
 7 A. Correct.
 8 Q. Or you might have them call once a week if it's
 9 less collectable, correct?
 10 A. Correct.
 11 Q. And in the account log, when -- if there's a
 12 designation in the account log indicating that
 13 Soundbite or Blaster called, is there -- is that
 14 designated for each individual call?
 15 A. Yes.
 16 Q. So, in other words, is it possible that if
 17 there's an entry in a call log that a Soundbite
 18 call was made that several -- multiple calls were
 19 made?
 20 A. It's possible, yes. I'm not -- I will say I'm
 21 not sure if, if it represents that in the note
 22 lines when you're reading an account. If it will
 23 tell you that it attempted it several times or if

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<p>1 it only documents it after the last attempt, I'm</p> <p>2 not sure.</p> <p>3 Q. So a designation of Soundbite in an account log</p> <p>4 could mean that one call was made or that</p> <p>5 multiple calls were made?</p> <p>6 A. It could be.</p> <p>7 Q. And is there a way to learn whether or not there</p> <p>8 was more than one call made?</p> <p>9 A. Yes.</p> <p>10 Q. And how would that be learned?</p> <p>11 A. Soundbite itself has a log that we can go into</p> <p>12 and --</p> <p>13 Q. And so for each individual collection account,</p> <p>14 there is a separate Soundbite log?</p> <p>15 A. Correct.</p> <p>16 Q. And is there also a separate Blaster log?</p> <p>17 A. I don't know.</p> <p>18 Q. Okay. But if you went into the Soundbite log,</p> <p>19 you could determine exactly how many calls were</p> <p>20 made by Soundbite?</p> <p>21 A. Correct.</p> <p>22 Q. And it's possible that that's also true for the</p> <p>23 Blaster program, but you're not sure?</p>	<p>1 Q. Is there a manual that they -- that the debt</p> <p>2 collectors are provided containing information on</p> <p>3 the Fair Debt Collection Practices Act and</p> <p>4 Firstsource's policies and procedures to comply</p> <p>5 with that law?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know what the name of that manual is?</p> <p>8 A. No.</p> <p>9 Q. Jennifer Ciganko would know?</p> <p>10 A. Yes.</p> <p>11 Q. But there is a manual?</p> <p>12 A. I don't know if it's part of the training manual</p> <p>13 that she provides that she has done herself or if</p> <p>14 there is an actual FDCPA manual. I'm not sure.</p> <p>15 Q. Do you know if collectors are provided with a</p> <p>16 copy of that manual?</p> <p>17 A. Yes.</p> <p>18 Q. Who is in charge of compliance? I assume that</p> <p>19 there's -- is there a compliance manager of some</p> <p>20 type at Firstsource?</p> <p>21 A. Yes, there is.</p> <p>22 Q. And who is that?</p> <p>23 A. Jeffrey Markley, M-A-R-K-L-E-Y.</p>
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<p>1 A. Possibly.</p> <p>2 Q. How does Firstsource train its collectors?</p> <p>3 A. They go through a two-week training program</p> <p>4 through our training department.</p> <p>5 Q. And what sort of training is provided?</p> <p>6 A. They go through our policies regarding health</p> <p>7 care, training on the CUBS system, human</p> <p>8 resources. That sort of thing. Exactly what the</p> <p>9 content is I would have to --</p> <p>10 Q. Who would know that?</p> <p>11 A. Jennifer Ciganko. I'll spell that for you.</p> <p>12 Q. Yes.</p> <p>13 A. It's C-I-G-A-N-K-O.</p> <p>14 Q. And what is her title?</p> <p>15 A. She is the corporate trainer for North American</p> <p>16 operations.</p> <p>17 Q. Do you know if the debt collectors are trained in</p> <p>18 the -- to understand and learn the Fair Debt</p> <p>19 Collection Practices Act?</p> <p>20 A. Yes.</p> <p>21 Q. And do you know what sort of training is provided</p> <p>22 in that regard?</p> <p>23 A. Specifically, no.</p>	<p>1 Q. And what are his responsibilities?</p> <p>2 A. He oversees what we call process excellence, so</p> <p>3 he, he is in charge of our quality assurance</p> <p>4 department, he's in charge of -- I do believe</p> <p>5 there's some data analytics that he's involved</p> <p>6 with for that department. He's involved with --</p> <p>7 I'm really not sure what her title is, but the --</p> <p>8 our licensing. Things like that.</p> <p>9 Q. So is he in charge of reviewing collectors'</p> <p>10 performance in terms of their compliance with the</p> <p>11 FDCPA in their duties?</p> <p>12 A. Yes.</p> <p>13 Q. When I say FDCPA, I mean Fair Debt Collection</p> <p>14 Practices Act.</p> <p>15 A. Correct. He specifically may not do that</p> <p>16 himself. He oversees the person who does.</p> <p>17 Q. And do you know what Firstsource does in their</p> <p>18 attempts to insure compliance with the FDCPA?</p> <p>19 A. We test annually.</p> <p>20 Q. What happens if a -- what is the -- do you know</p> <p>21 what the required score on a test is for a debt</p> <p>22 collector to continue to collect with your</p> <p>23 company?</p>

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1 A. Ninety percent.
 2 Q. And what happens if a debt collector scores less
 3 than ninety percent?
 4 A. They must immediately be taken off the phone and
 5 retested.
 6 Q. Until they subsequently, hopefully, pass ninety
 7 percent in subsequent tests?
 8 A. If they failed the second time, we reserve the
 9 right to terminate their employment with
 10 Firstsource.
 11 Q. And do they take that test prior to starting on
 12 the phones?
 13 A. Yes.
 14 Q. If a debtor that Firstsource is attempting to
 15 collect from informs Firstsource that they do not
 16 wish to receive any further phone calls, would
 17 subsequent collection calls to that very same
 18 debtor violate Firstsource's policies and
 19 procedures that its collectors are trained in and
 20 directed to follow?
 21 MR. BUSHWAY: Object to the form. You can answer.
 22 THE WITNESS: It depends on the client. Some of our
 23 clients will say that we have to do that on a

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1 verbal request. Other clients say that it has to
 2 be written. So if we want a cease-and-desist,
 3 some of our clients say that has to be in written
 4 form.
 5 BY MR. HILLER:
 6 Q. All right. So it's not a policy that Firstsource
 7 has; it's a policy that its clients provide to
 8 them?
 9 A. Correct.
 10 Q. And if the client informs Firstsource that they
 11 should not honor a request from a debtor to cease
 12 and desist for their telephone calls verbally,
 13 Firstsource will comply with that request?
 14 A. Correct.
 15 Q. Okay. Does Firstsource believe that this -- that
 16 calling a person after they have verbally
 17 informed Firstsource that they do not wish to
 18 receive any further phone calls complies with the
 19 FDCPA?
 20 MR. BUSHWAY: Object to the form. You can answer.
 21 THE WITNESS: Okay. Can you repeat the question.
 22 BY MR. HILLER:
 23 Q. Does Firstsource believe that continuing to call

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1 a debtor after that debtor has requested that
 2 they not call them any further complies with the
 3 FDCPA?
 4 A. I believe so.
 5 Q. Okay.
 6 MR. BUSHWAY: Meaning verbal request?
 7 MR. HILLER: Right, verbal request.
 8 THE WITNESS: Yeah.
 9 BY MR. HILLER:
 10 Q. I want to go back -- shift gears a little bit and
 11 go back to the CUBS system. In the process of
 12 the discovery of this lawsuit, we have been
 13 provided with account logs, and we'll go over
 14 those soon. Are there other screens that are
 15 available for review in the CUBS system relative
 16 to an account?
 17 A. To my knowledge, the only thing that we have are
 18 the note lines. If there is another way, I am
 19 not aware of what that is.
 20 Q. Do debt collectors only work on the account log
 21 screen when they're working an account?
 22 A. Correct.
 23 Q. Okay. What are the procedures employed by

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1 Firstsource to insure that they are contacting
 2 the appropriate person when attempting to collect
 3 a debt?
 4 A. Well, if we are provided with a phone number from
 5 the client, that's, that's what we use.
 6 Q. And if the collector calls that number and the
 7 person says they have called the wrong number or
 8 they are not the debtor, what is Firstsource's
 9 policy and procedure as to how to deal with that
 10 situation?
 11 A. First what we'll do is what we call probing. We
 12 will ask that person if they know who the person
 13 is that we're asking for, and if they do, we will
 14 ask them if they have any idea of how we would be
 15 able to contact that person. If they do not,
 16 then we say we apologize for the inconvenience
 17 and we'll remove your number.
 18 Q. Does Firstsource require any verification by that
 19 individual that they are not, in fact, the
 20 debtor?
 21 A. If -- it depends. If we're calling somebody that
 22 shares the same name, we may ask them to identify
 23 the last four digits of their Social Security,

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<p>1 identify their mailing address to verify if we</p> <p>2 are, in fact, speaking to the right party.</p> <p>3 Q. Okay.</p> <p>4 A. But if it doesn't share the same name, then</p> <p>5 obviously --</p> <p>6 Q. When you say the same name, you mean the first</p> <p>7 name and last name?</p> <p>8 A. Correct.</p> <p>9 Q. And would the procedures for dealing with calls</p> <p>10 that the individual answers the phone -- let me</p> <p>11 start over with that. Are those procedures that</p> <p>12 you just outlined contained in the policy manual</p> <p>13 that you referred to previously?</p> <p>14 A. I don't know.</p> <p>15 Q. Are they contained in writing anywhere?</p> <p>16 A. I'm not sure.</p> <p>17 Q. Do you know -- can you describe for me how</p> <p>18 Firstsource's telephone service is provided to</p> <p>19 them?</p> <p>20 A. I don't know.</p> <p>21 Q. Do you know who -- what company provides</p> <p>22 telephone service to Firstsource?</p> <p>23 A. I believe it's Sprint, but I'm not positive.</p>	<p>1 use anything other than the company phone to do</p> <p>2 your work.</p> <p>3 MR. HILLER: Correct.</p> <p>4 THE WITNESS: No.</p> <p>5 BY MR. HILLER:</p> <p>6 Q. Does Firstsource have a policy as to whether debt</p> <p>7 collectors can use personal phones such as cell</p> <p>8 phones to make collection calls?</p> <p>9 A. Absolutely not.</p> <p>10 Q. They're not permitted to?</p> <p>11 A. No, they are not.</p> <p>12 Q. Are you aware of any instances where debt</p> <p>13 collectors have done that?</p> <p>14 A. No, I am not.</p> <p>15 Q. All right. I think we're going to move into the</p> <p>16 specific accounts at this point.</p> <p>17 MR. BUSHWAY: Okay. Can we mark on the record start</p> <p>18 a new page by whichever one you're up to. I'm</p> <p>19 saying, you know, whatever one, just so we can</p> <p>20 start a new page and say whatever.</p> <p>21 BY MR. HILLER:</p> <p>22 Q. We'll start with the Susan Moore file.</p> <p>23 A. Okay.</p>
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<p>1 Q. Who would know that?</p> <p>2 A. Lisa Stuart, S-T-U-A-R-T.</p> <p>3 Q. And what is her position?</p> <p>4 A. She is the manager of telecom.</p> <p>5 Q. Do you know if Firstsource is billed for every</p> <p>6 call that they make?</p> <p>7 A. I'm not sure.</p> <p>8 Q. Are debt collectors permitted to make calls on</p> <p>9 telephones other than those provided by</p> <p>10 Firstsource?</p> <p>11 A. Yes. Well, depending on the -- Firstsource or</p> <p>12 the client?</p> <p>13 Q. Either.</p> <p>14 A. We have -- I don't know if this would apply. We</p> <p>15 have what we call skip tracing, so if we have an</p> <p>16 account in front of us that doesn't have a phone</p> <p>17 number on it or we've been told that the number</p> <p>18 that we are calling is wrong or disconnected,</p> <p>19 then we have, we have certain websites that we</p> <p>20 can go to to try to find location information and</p> <p>21 call those numbers.</p> <p>22 MR. BUSHWAY: I think you were asking if you're</p> <p>23 employed as a collector at Firstsource, can you</p>	<p>1 Q. And I want to show you what's been marked as</p> <p>2 Plaintiff's Exhibit 3. Can you identify that</p> <p>3 document?</p> <p>4 A. I don't know what this document is.</p> <p>5 Q. Okay. You can hold on to that for a minute.</p> <p>6 A. Okay.</p> <p>7 Q. That is -- that document was provided to us from</p> <p>8 -- by your counsel in response to certain</p> <p>9 questions we had of Firstsource.</p> <p>10 A. Okay.</p> <p>11 Q. And if you go to the verification page which is</p> <p>12 the second-last page of this exhibit, it's</p> <p>13 verified by counsel for Firstsource, Mr. Bushway,</p> <p>14 who is sitting right next to you.</p> <p>15 A. Okay.</p> <p>16 Q. And in these interrogatories, we asked</p> <p>17 Firstsource to identify all witnesses whom they</p> <p>18 intend to call to trial -- call at the trial in</p> <p>19 this matter, and it's interrogatory seventeen.</p> <p>20 Could you read the response to interrogatory</p> <p>21 seventeen?</p> <p>22 A. In addition to Jessica Wilton and the individuals</p> <p>23 identified in response to interrogatory three,</p>

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<p>1 Defendants may call Mr. Ed Rogers from Time</p> <p>2 Warner Cable to testify as to the manner and</p> <p>3 method of transferring the account data to</p> <p>4 Firstsource and the nature of the relationship</p> <p>5 between the two parties.</p> <p>6 Q. So would those be the only two witnesses that</p> <p>7 Firstsource plans to call at the trial in this</p> <p>8 matter?</p> <p>9 MR. BUSHWAY: Object to the form. I'm not going to</p> <p>10 allow her to answer. It's counsel's decision as</p> <p>11 to who they may or may not call.</p> <p>12 BY MR. HILLER:</p> <p>13 Q. Well, is there any other evidence other than --</p> <p>14 is there any testimonial evidence other than that</p> <p>15 which might be provided by those witnesses that</p> <p>16 Firstsource possesses that is relevant to these</p> <p>17 cases?</p> <p>18 MR. BUSHWAY: Object to the form. I'm not going to</p> <p>19 allow her to answer. I don't think that's</p> <p>20 proper. She's here as a fact witness on behalf</p> <p>21 of the company, not to discuss legal strategy.</p> <p>22 MR. HILLER: I just want to know what evidence they</p> <p>23 have.</p>	<p>1 Q. And it notes a phone number of (716) 578-3206,</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. Do you know where that phone number came from?</p> <p>5 A. Time Warner Cable.</p> <p>6 Q. How do you know it came from them?</p> <p>7 A. Because if anything was changed to the phone</p> <p>8 number that was initial upon placement, you would</p> <p>9 see that reflected in the note lines.</p> <p>10 Q. Where would it be reflected?</p> <p>11 A. Any -- it would be anywhere. If that was</p> <p>12 manually changed by anybody in our organization,</p> <p>13 it would be footnoted anywhere in these note</p> <p>14 lines at the time that it took place.</p> <p>15 Q. All right. And it says owing, and immediately</p> <p>16 under that it says five hundred twenty-five</p> <p>17 dollars and forty-seven cents, correct?</p> <p>18 A. Correct.</p> <p>19 Q. So that's the amount allegedly owing on the</p> <p>20 account?</p> <p>21 A. That is -- reflects the amount that was assigned</p> <p>22 to us at the time of placement.</p> <p>23 Q. Okay. And it says assigned 1/26/07. Is that</p>
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<p>1 MR. BUSHWAY: She's not going to answer the general</p> <p>2 question what evidence Firstsource may have. You</p> <p>3 can ask her questions. She can answer what she</p> <p>4 knows.</p> <p>5 BY MR. HILLER:</p> <p>6 Q. I want to show you what's been marked as</p> <p>7 Plaintiff's Exhibit 4. Can you identify that,</p> <p>8 please?</p> <p>9 A. These are account notes.</p> <p>10 Q. And what account is that designated?</p> <p>11 MR. BUSHWAY: When you say account, do you mean the</p> <p>12 overlying account or the individual just so we're</p> <p>13 clear? Or both?</p> <p>14 BY MR. HILLER:</p> <p>15 Q. No.</p> <p>16 What client are those notes for?</p> <p>17 A. This is for Time Warner Cable.</p> <p>18 Q. And who is the alleged debtor on that account?</p> <p>19 A. Mia M. Moore.</p> <p>20 Q. And in account -- it says at the top account</p> <p>21 number 6948366. That's the account number for</p> <p>22 this account, correct?</p> <p>23 A. Correct.</p>	<p>1 when Firstsource received this account from Time</p> <p>2 Warner?</p> <p>3 A. Where are we?</p> <p>4 Q. Right down there.</p> <p>5 A. Yes, that is our assigned date. That is when it</p> <p>6 was loaded into our system.</p> <p>7 Q. All right. Can that be changed?</p> <p>8 A. No.</p> <p>9 Q. Can any of the information in these account notes</p> <p>10 be changed or modified by anyone at Firstsource?</p> <p>11 MR. BUSHWAY: Do you mean the heading up on top, Ken,</p> <p>12 or --</p> <p>13 MR. HILLER: Any information whatsoever.</p> <p>14 THE WITNESS: I believe that it can be, but I don't</p> <p>15 know by whom.</p> <p>16 BY MR. HILLER:</p> <p>17 Q. Who would know?</p> <p>18 A. Potentially Theresa Milbrath. I can tell you</p> <p>19 operationally we cannot.</p> <p>20 Q. Is there any indication in this account log</p> <p>21 anywhere that Susan Moore has -- bears any</p> <p>22 liability on this account?</p> <p>23 A. No.</p>

1 Q.All right. Now, when we go down to the notes, it
 2 starts with some entries on 1/26/07. Would that
 3 be the -- would that reflect certain procedures
 4 that are undertaken to open the account?
 5 A.Yeah. This is something that we see on every
 6 account upon upload. What it means I'm not sure,
 7 but it is not an actual action that is taken on
 8 the account. It's programming.
 9 MR. BUSHWAY: You're referring to the first whatever
 10 number of lines there that is --
 11 THE WITNESS: Yes. When it says begin strategy,
 12 mainstrat one and then two, whoever it -- and
 13 then notice.
 14 BY MR. HILLER:
 15 Q.You don't know what those mean?
 16 A.No.
 17 Q.And then under those notations, it says ODSK,
 18 colon, eight thirteen slash SHB. Do you know
 19 what that means?
 20 A.Correct. Yes. ODSK means open desk. Eight
 21 thirteen is the name of that open desk. SHB is
 22 -- are the CUBS initials of the manager that
 23 moved the business from that desk eight thirteen

1 into Soundbite to be called.
 2 Q.Okay. The next line says Soundbite telephone
 3 residence, no answer. Is that what those
 4 abbreviations mean?
 5 A.Yes.
 6 Q.And that was on 1/26/07, correct?
 7 A.Correct.
 8 Q.And then immediately under that it says called on
 9 1/26/07, and it gives the time. Does that
 10 reflect that a phone call was, in fact, made?
 11 A.Correct.
 12 Q.Is that two phone calls that were made or one
 13 call that was made?
 14 A.I'm not sure.
 15 Q.Is it possible that more than two phone calls
 16 were made? Could you tell whether more than two
 17 calls were made by those entries on the log?
 18 A.You can on the Soundbite log.
 19 Q.But not from this log?
 20 A.From this log, I'm not sure.
 21 Q.Then it says received Fastdata report. Can you
 22 tell me what that would mean?
 23 A.That means we -- we do what's called a scrub on

1 to another desk.
 2 Q.Where was -- well, was eight thirteen the first
 3 desk the account was assigned to?
 4 A.Yes.
 5 Q.Okay. So would SHB be a program -- an operations
 6 manager?
 7 A.Yes.
 8 Q.And then the next line says MGR review. I assume
 9 that's manager review, correct?
 10 A.Correct.
 11 Q.So whoever SHB is reviewed this account at that
 12 time and determined how to distribute it?
 13 A.Correct.
 14 Q.And then it says account sent to Soundbite,
 15 correct?
 16 A.Correct.
 17 Q.That's at item fourteen colon forty. So how does
 18 an account get sent to Soundbite?
 19 A.This operations manager would have created a
 20 query within CUBS to target this account for
 21 whatever reason or whatever query she was putting
 22 in. It would have tagged the account to notate
 23 the fact that it did, in fact, get implemented

1 our business. So it gets sent out to Fastdata
 2 which is a vendor to be scrubbed for potential
 3 information on that person such as phone number,
 4 things like that.
 5 Q.So scrub -- what information are they trying to
 6 find out about a phone number?
 7 A.Well, say hypothetically this account came with
 8 no phone number at all. Fastdata is a tool that
 9 we will use to, in fact, find a phone number for
 10 them.
 11 Q.It's a skip-tracing device or company?
 12 A.Yes.
 13 Q.And does it search for things such as whether a
 14 person filed bankruptcy?
 15 A.I'm not sure if that's inclusive in Fastdata. I
 16 know that we do scrub for that through Banco, but
 17 I'm not certain if Fastdata is affiliated with
 18 that or not. Regarding the Fastdata report,
 19 again, Theresa Milbrath would be the person on
 20 that.
 21 Q.So would there be a report on file with -- a
 22 Fastdata report on file with Firstsource? In
 23 other words, this says received Fastdata report.

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<p>1 Does that report exist somewhere?</p> <p>2 A. I don't know.</p> <p>3 Q. Does Firstsource keep the Fastdata reports that</p> <p>4 it's provided?</p> <p>5 A. I don't know.</p> <p>6 Q. Theresa Milbrath would know?</p> <p>7 A. Yes, she would.</p> <p>8 Q. Why would a Fastdata report be needed when the</p> <p>9 account already has a name, address, phone</p> <p>10 numbers, the last four numbers of the Social</p> <p>11 Security number, et cetera?</p> <p>12 A. I don't know.</p> <p>13 Q. If you were the operation manager, would you have</p> <p>14 requested a Fastdata report under these</p> <p>15 circumstances?</p> <p>16 A. Only if I -- the only time that I would do that</p> <p>17 as an operations manager is if I received a mail</p> <p>18 return to that address when I tried to send out a</p> <p>19 notice to them or if the phone number that I</p> <p>20 received that I called was disconnected or wrong.</p> <p>21 Q. I'm just -- or if the telephone number was called</p> <p>22 and no answer was received, perhaps wondering</p> <p>23 whether that's the right phone number?</p>	<p>1 letter sent on this account, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And it would have been sent to the Phyllis Avenue</p> <p>4 address?</p> <p>5 A. Correct.</p> <p>6 Q. And so every indication where it says Soundbite</p> <p>7 would indicate that at least one telephone call</p> <p>8 was made as designated by that entry, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And --</p> <p>11 A. Well, let me, let me respond differently to that.</p> <p>12 It will show you -- when we enter in the query</p> <p>13 for the Soundbite to be created, a list is</p> <p>14 created through CUBS. CUBS -- we direct CUBS to</p> <p>15 document that account with the Soundbite stamp.</p> <p>16 Okay? If we do not have that, it's going to go</p> <p>17 to a temporary file within Excel. We physically</p> <p>18 have to load that file into Soundbite's database.</p> <p>19 If we don't do that, it can still stamp the</p> <p>20 account sent to Soundbite without a phone call</p> <p>21 being made if we at some point decide to change</p> <p>22 our strategy and not have it called.</p> <p>23 Q. Okay. But on 1/26/07, it looks like those -- it</p>
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<p>1 A. Correct.</p> <p>2 Q. And then it says new address loaded by Fastdata.</p> <p>3 And immediately under that it provides an</p> <p>4 address, 100 Delsan Court?</p> <p>5 A. Yes. So when these accounts go to Fastdata, it</p> <p>6 does not manipulate the information that is</p> <p>7 received by Time Warner Cable. It simply stamps</p> <p>8 the information that is found in the note lines.</p> <p>9 Q. So when this address was received, did</p> <p>10 Firstsource know where this debtor lived?</p> <p>11 A. We were, we were -- we would go by the address</p> <p>12 that was given.</p> <p>13 Q. And Delsan was maybe reserved for future</p> <p>14 reference if it turned out that the 173 Phyllis</p> <p>15 Avenue address was incorrect?</p> <p>16 A. Possibly.</p> <p>17 Q. And then the next line, it looks like it says</p> <p>18 sent notice number one?</p> <p>19 A. Yes.</p> <p>20 Q. Would that be the original 1692-G notice?</p> <p>21 A. It's a standard dunning. I'm not sure what</p> <p>22 you're referring to.</p> <p>23 Q. Right. Okay. And that would have been the first</p>	<p>1 looks like there are two Soundbite references</p> <p>2 indicating two calls were made. Would that be</p> <p>3 correct?</p> <p>4 A. I'm not certain.</p> <p>5 MR. BUSHWAY: You're referring to lines nineteen and</p> <p>6 twenty?</p> <p>7 MR. HILLER: Yes. And actually on to twenty-one.</p> <p>8 MR. BUSHWAY: Okay.</p> <p>9 THE WITNESS: It looks -- if I were to interpret</p> <p>10 this, I would say that a no-result could be that</p> <p>11 the call was dropped. I'm not positive. But</p> <p>12 there was no result at all that was -- there was</p> <p>13 no connection made. It then called it at</p> <p>14 seventeen-eighteen, and that is when it was</p> <p>15 connected to a live party.</p> <p>16 BY MR. HILLER:</p> <p>17 Q. What line number does it say it was connected to</p> <p>18 a live party?</p> <p>19 A. On line nineteen. That means that the, the</p> <p>20 collector, JWA, received that call to his queue</p> <p>21 or to his phone because that person, whoever</p> <p>22 answered the phone, chose option number one, two</p> <p>23 or three. Whichever. And he spoke to a live</p>

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<p>1 person.</p> <p>2 Q. All right.</p> <p>3 A. Well, whether he spoke to them or not is --</p> <p>4 Q. All right. And then can the collect -- in this</p> <p>5 instance, the debt collector wrote a note that</p> <p>6 the party hung up, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Would the debt collector have the power to send a</p> <p>9 message to Soundbite to make another call at that</p> <p>10 point?</p> <p>11 A. No.</p> <p>12 Q. That would go in accordance with the</p> <p>13 pre-programmed criteria put in by the operations</p> <p>14 manager, right?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. So why would -- I mean, is this -- in this</p> <p>17 particular case, a Soundbite call was made at</p> <p>18 seventeen-eighteen, which would be five-eighteen</p> <p>19 p.m., I presume?</p> <p>20 A. Correct.</p> <p>21 Q. And then another call was made at ten-forty-eight</p> <p>22 p.m.?</p> <p>23 A. No. The call was made at five-thirteen. When,</p>	<p>1 Q. So would it be customary or normal to program</p> <p>2 Soundbite to make a call at seven-thirteen and</p> <p>3 then another call five minutes later?</p> <p>4 A. If the result was that there was a no-answer or</p> <p>5 the call was somehow lost, yes.</p> <p>6 Q. So if a person was called -- if a debtor was</p> <p>7 called and said you have the wrong person, please</p> <p>8 don't ever call me again, if Soundbite was</p> <p>9 pre-programmed, it would call them five minutes</p> <p>10 later no matter what?</p> <p>11 A. No, because a contact was made.</p> <p>12 Q. Well, in this case a contact -- oh, I see. The</p> <p>13 first, the first one was no result. It's sort of</p> <p>14 backwards here.</p> <p>15 A. Yes. Again, because, because when the collector</p> <p>16 documents the account, it's in live time. And</p> <p>17 when Soundbite documents it from an automated</p> <p>18 standpoint, it's after the fact.</p> <p>19 Q. And then under that on line twenty-two, it says</p> <p>20 account sent to Soundbite. What does that mean?</p> <p>21 A. Well, we were looking at the date that was --</p> <p>22 MR. BUSHWAY: 2/06?</p> <p>23 THE WITNESS: Yep. So that was February 6th. It was</p>
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<p>1 when Soundbite -- when it's not connected to a</p> <p>2 phone where a collector actually puts an action</p> <p>3 code on it and it's, it's through the automated</p> <p>4 process through Soundbite, whether it leaves a</p> <p>5 message, gets a no-answer, that does not process</p> <p>6 into the note lines until day-end processes when</p> <p>7 everybody's gone home.</p> <p>8 Q. I see. Where does it say it was made -- oh, it</p> <p>9 says five-eighteen. That's the first call?</p> <p>10 A. No. The first call would have been</p> <p>11 five-thirteen.</p> <p>12 Q. Where do you see that?</p> <p>13 A. Line twenty. Or line twenty-one. It got no</p> <p>14 result. I don't, I don't know exactly what no</p> <p>15 result means, but it's not a no-answer, it's not</p> <p>16 a left-message-to-call, it's not a contact.</p> <p>17 Q. Now, on line nineteen, that seems to be a</p> <p>18 separate and distinct phone call than the call on</p> <p>19 lines twenty and twenty-one.</p> <p>20 A. Correct.</p> <p>21 Q. And can you tell what time the call on line</p> <p>22 nineteen was made?</p> <p>23 A. That call would have been made at five-eighteen.</p>	<p>1 loaded into the Soundbite system again the next</p> <p>2 day.</p> <p>3 BY MR. HILLER:</p> <p>4 Q. And, in other words, a new programming order?</p> <p>5 A. Correct.</p> <p>6 Q. And then each time it says Soundbite thereafter</p> <p>7 in this account designates that a call was made</p> <p>8 by Soundbite, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And in each of these, an automated message or</p> <p>11 voice-recorded message would have been left with</p> <p>12 the debtor whether they answered the phone or</p> <p>13 whether it went onto their answering machine?</p> <p>14 A. Not necessarily. For example, in the, in the</p> <p>15 line twenty-six, there NML means that no message</p> <p>16 was left because the person hung up.</p> <p>17 Q. Okay. So other than the NML, all the calls by</p> <p>18 Soundbite left an automated message?</p> <p>19 A. It will tell you specifically that.</p> <p>20 Q. Where does it say that?</p> <p>21 A. Okay. So right here on line twenty-three, there</p> <p>22 was no message left because the result was a</p> <p>23 no-answer. It never connected to a machine.</p>

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1 Q. So no answer means it never connected to a
2 machine?

3 A. Correct. It would say, it would say LMTC. And
4 I'm looking to see if that ever happened on this
5 account. And it doesn't look as if it ever did,
6 so according to these notes, a message was not
7 left.

8 Q. On line twenty where it says no result, what
9 would that mean?

10 A. No result -- I'm not positive what that verbiage
11 means. I would have to go back to Soundbite and
12 find out what a no-result is. It -- typically
13 when you're looking at Soundbite notes, it will
14 tell you exactly what happened. And no result,
15 if I were to interpret that myself, would mean
16 that a connection was not made at all. Calls get
17 lost sometimes.

18 Q. And all the calls in which a person was put
19 through to a collector, that debtor would have
20 received an automated message saying something
21 along the lines of please hold for the next
22 operator or something like that?

23 A. Correct.

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1 Q. Then on line twenty-seven, it says called on
2 2/14/07. That would have been a live call made
3 by a debt collector?

4 A. No.

5 Q. What is that?

6 A. That is the Soundbite -- I'm not sure if this is
7 a result because you're looking at a duplicate
8 time stamp. This looks like a day-end stamp to
9 me.

10 Q. Okay. And what does E-answered call mean?

11 A. That is a Blaster.

12 Q. All right. And is there a way to tell whether
13 the Blaster left a message?

14 A. It will tell you that it left -- again, LMTC --
15 that it left a message.

16 Q. So on line twenty-eight and twenty-nine where it
17 says E-answered call and it says res upside down
18 exclamation point nine hundred, do you know what
19 that means?

20 A. Somebody picked up the phone and answered the
21 call.

22 Q. So they then would have received a voice-recorded
23 message?

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1 A. Correct.

2 Q. And even where it doesn't say res, where it says
3 nine hundred, that means -- every reference to
4 nine hundred means somebody picked up the call?

5 A. I'm not certain what the nine hundred represents.
6 I do believe that is dialer-specific. Every time
7 we see a dialer stamp, a nine hundred is on
8 there.

9 MR. BUSHWAY: Are you asking, Ken, what the
10 difference between E-answered in twenty-nine is
11 and just answered in thirty?

12 MR. HILLER: Yes.

13 THE WITNESS: Say that again.

14 MR. BUSHWAY: The line twenty-nine is E-answered and
15 thirty is --

16 THE WITNESS: That I'm not sure.

17 BY MR. HILLER:

18 Q. Well, what told you -- what designation in lines
19 twenty-eight and twenty-nine led you to conclude
20 that the debtor answered the call?

21 A. Because that's what it says, answered call.

22 Q. I see. So they answered all three of those,
23 twenty-eight through thirty?

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1 A. Yes.

2 Q. And when they answered the call, they would have
3 received a voice-recorded message press one if
4 you are the debtor, press two if you're not?

5 A. It will say that on Soundbite. On a Blaster it
6 will simply tell them to call back the number
7 that's provided.

8 Q. And so in each of these calls when the person
9 answered, they would have got a voice-recorded
10 message?

11 A. Correct.

12 Q. Now I want to take you down to seventy-eight and
13 seventy-nine on page two. What does D-sit tone
14 mean?

15 A. A sit tone is -- it could be a fax modum. It
16 could be the da, da, da.

17 Q. Okay. So some sort of tone. When they called,
18 some sort of tone was left?

19 A. Correct.

20 Q. And then it says tel disconnected. What does
21 that mean?

22 A. That the telephone number is disconnected.

23 Q. All right. And then they called -- so that was

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<p>1 on 5/18 -- 5/17 and 5/18. And then 5/21 they</p> <p>2 called again and apparently it was not</p> <p>3 disconnected?</p> <p>4 MR. BUSHWAY: You're referring to line eighty-three?</p> <p>5 MR. HILLER: Yes.</p> <p>6 THE WITNESS: No. Eighty-four is simply saying that</p> <p>7 it was called on the 21st of May at</p> <p>8 eighteen-o-one.</p> <p>9 BY MR. HILLER:</p> <p>10 Q.All right. So it doesn't tell you whether it was</p> <p>11 disconnected or not?</p> <p>12 A. Well, I don't -- it doesn't seem to, no. But it</p> <p>13 does -- in the note line above, it says that it</p> <p>14 got a sit tone.</p> <p>15 BY MR. HILLER:</p> <p>16 Q.I want you to skip ahead to line one sixty-five.</p> <p>17 I mean, pre -- prior to this, the two pages of</p> <p>18 notes repeatedly say telephone disconnected. Is</p> <p>19 there any indication that a different phone</p> <p>20 number was called?</p> <p>21 A.No.</p> <p>22 Q. Okay. So, but for whatever reason, on 9/11/07,</p> <p>23 apparently the call was able to get through to</p>	<p>1 try to learn whether a call is made to a cell</p> <p>2 phone or to a landline?</p> <p>3 A. Presently, yes.</p> <p>4 Q. What is that procedure?</p> <p>5 A. I'm not -- Christopher Habschied owns that</p> <p>6 process. How he scrubs for those I'm not sure.</p> <p>7 Q. Okay. And why do you scrub for that?</p> <p>8 A. I -- I'm assuming it came down from the FTP some</p> <p>9 time ago, but I'm not positive.</p> <p>10 Q. What's the FTP?</p> <p>11 A. Don't know.</p> <p>12 MR. BUSHWAY: I think she's referring to the FTCP.</p> <p>13 THE WITNESS: FTCP, that would be it.</p> <p>14 MR. HILLER: FTCP ruling.</p> <p>15 THE WITNESS: We've gotten an e-mail on it, but I</p> <p>16 don't --</p> <p>17 BY MR. HILLER:</p> <p>18 Q. The e-mail being that voice-recorded messages</p> <p>19 should not be left on cellular telephones?</p> <p>20 A. That we would not have the capability.</p> <p>21 Q. But that was not in place when any of the calls</p> <p>22 were made to -- on this account?</p> <p>23 A. I'm not sure.</p>
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<p>1 somebody?</p> <p>2 A. It looks as though it did, yes.</p> <p>3 Q. And what does party HU hold message mean?</p> <p>4 A. That they hung up when they were holding for the</p> <p>5 message.</p> <p>6 Q. Okay.</p> <p>7 A. Now, it would probably be important to know from</p> <p>8 your previous question on whether it was able to</p> <p>9 call another number, Soundbite and Blasters can</p> <p>10 only call the -- what we call a reach one which</p> <p>11 is the residential number in the top of the, of</p> <p>12 the note lines here that's provided.</p> <p>13 Q. Okay.</p> <p>14 MR. BUSHWAY: Meaning the heading on page one?</p> <p>15 THE WITNESS: Yes. It, it cannot call any other</p> <p>16 number.</p> <p>17 BY MR. HILLER:</p> <p>18 Q. And is there any indication in the account log</p> <p>19 indicating whether the telephone call was a</p> <p>20 cellular telephone or a landline?</p> <p>21 A. At the time that these calls took place, I don't,</p> <p>22 I don't know.</p> <p>23 Q. Does Firstsource have any procedure in place to</p>	<p>1 Q. So in this line one sixty-five, it says party</p> <p>2 hung up, hold message, so would this party have</p> <p>3 heard the automated and voice-recorded message?</p> <p>4 A. I don't know.</p> <p>5 Q. But it's possible that they would have?</p> <p>6 A. It's possible.</p> <p>7 Q. And then line one sixty-seven says S dash AMD</p> <p>8 mess left. Can you tell me what that means?</p> <p>9 A. It left a message. It left the automated</p> <p>10 message.</p> <p>11 Q. All right. Does Firstsource have a policy</p> <p>12 regarding how many times per day a debtor should</p> <p>13 be called?</p> <p>14 A. Once per day. If no contact is made, we can call</p> <p>15 it up to three.</p> <p>16 Q. So if you get in touch with the person, that</p> <p>17 would end the calls for that particular day?</p> <p>18 A. Correct. Or if we've left a message on a voice</p> <p>19 mail, that ends the efforts for the day.</p> <p>20 Q. So going back to lines nineteen through</p> <p>21 twenty-one -- I'm sorry, I take that back. I</p> <p>22 understand.</p> <p>23 And now, line one ninety-six says canceled C</p>

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1 and R five twenty-five point forty-seven. Can
 2 you tell me what that means?
 3 A. We're on one ninety-six you said?
 4 Q. Yes, one ninety-six.
 5 A. That means the account was canceled and closed
 6 and returned back to the client.
 7 Q. Okay. So is there any indication in this log
 8 that Firstsource ever spoke to anyone on this
 9 account?
 10 A. According to the notes, no.
 11 Q. And what is the policy of Firstsource regarding
 12 documenting telephone calls and conversation made
 13 by debt collectors in their attempts to collect
 14 debts?
 15 A. We are -- they are -- every person making an
 16 attempt on a phone number is required to document
 17 in their complete notes any conversation or what
 18 actually happened on the call.
 19 MR. BUSHWAY: Is your question based on if the call
 20 is answered by a person versus a machine?
 21 BY MR. HILLER:
 22 Q. Right. If a conversation takes place there, they
 23 should document certainly at least that a

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1 conversation took place and hopefully the details
 2 of that conversation?
 3 A. Absolutely.
 4 Q. So if there were any calls where conversations
 5 took place, whoever had that conversation did not
 6 follow Firstsource's policies?
 7 A. If, if one, in fact, took place.
 8 Q. Yes. Okay. Would the log show incoming calls?
 9 A. Yes.
 10 Q. Is --
 11 A. Not automatically. Let me rephrase that.
 12 Q. Would somebody have to log that in?
 13 A. Yes.
 14 Q. The debt collector?
 15 A. Correct.
 16 Q. Well, tell me how an incoming call is handled.
 17 A. An incoming call, it's routed. It looks -- the
 18 call actually looks for an open line based upon
 19 the number that it's calling in from. We have
 20 designated toll-free numbers to each client that
 21 we have. If they call the one-eight-hundred
 22 number for Time Warner Cable, it's going to get
 23 routed. So whoever is on the -- what we call a

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1 skill set through our telephony, it would be
 2 routed to one of those people with an open line.
 3 Q. And when the -- so some collector will receive
 4 some sort of notification on their computer
 5 screen that there's a call for them, or how would
 6 that --
 7 A. On their phone.
 8 Q. On their phone. The phone would ring?
 9 A. Yes.
 10 Q. And when they answer the phone, is there any
 11 automatic entry into the call log that a call was
 12 made on the -- when they, when they locate the
 13 account -- say they have a conversation with the
 14 debtor, they locate the account. Is there any
 15 automatic entry into the log that a call was
 16 received?
 17 A. Through the telephone system, yes.
 18 Q. Once they locate it within a particular account?
 19 A. Well, any incoming or outgoing call is logged by
 20 our telephone system. Those numbers can be
 21 queried. As far as the collector of CUBS and
 22 stamping that, the CUBS does not have the
 23 capability of doing that, no.

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1 Q. So incoming and outgoing calls are -- the fact
 2 that they're just calls being made or received
 3 are recorded but not in the CUBS system?
 4 A. Correct.
 5 Q. Some of them, like Soundbite and the Blaster
 6 calls, are automatically recorded, correct?
 7 A. In the Soundbite log.
 8 Q. So is it possible that calls were made or
 9 received and not reflected in this log?
 10 A. That could be possible.
 11 Q. Does Firstsource -- is there any indication in
 12 this log or elsewhere that Susan Moore committed
 13 any fraudulent activity with respect to her Time
 14 Warner account?
 15 MR. BUSHWAY: Object to the form. You can answer.
 16 THE WITNESS: Oh, I have no -- I don't know.
 17 BY MR. HILLER:
 18 Q. You're not aware of any such evidence?
 19 A. I'm not aware of any such evidence, no.
 20 Q. Is there any, is there any indication in this log
 21 or elsewhere that Susan Moore consented to
 22 receiving these calls?
 23 A. I have -- I don't know. Nothing in these note

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1 lines indicate -- well, Susan Moore is not the
 2 person that we're trying to contact. I -- we
 3 didn't have contact, it looks like, with anybody
 4 except for the hang up, so --
 5 Q. I'm going to go to Plaintiff's Exhibit 8.
 6 MR. BUSHWAY: Which is who?
 7 MR. HILLER: This is Starkey.
 8 MR. BUSHWAY: Can we mark the record we're now on to
 9 Starkey just so we keep it clear. Off the
 10 record.
 11 (Discussion off the record.)
 12 BY MR. HILLER:
 13 Q. So with respect to this account, this shows that
 14 the original amount was one hundred eighty-six
 15 dollars and thirty-six cents, correct?
 16 A. Correct.
 17 Q. And the account was assigned on 1/8/07?
 18 A. Correct.
 19 Q. Do accounts that were originally with Account
 20 Solutions Group all get assigned in January of
 21 2007 even if they were opened prior to that time?
 22 A. No. The stamp that goes on the account on the
 23 assignment date is when we get the file in our

1 This account was put into my desk.
 2 Q. So you were the operations manager for this
 3 account?
 4 A. Yes. Well, partially. I took this over after
 5 SHB left.
 6 Q. What does phone GC review mean?
 7 A. It means general counsel review. So it would
 8 indicate to me looking at the account that
 9 something was happening that required general
 10 counsel to review it and we can no longer pursue
 11 any kind of collection activity on the account.
 12 Q. I thought you testified earlier that when a phone
 13 number is put in there, it never gets changed.
 14 Like when you receive the account from Time
 15 Warner and they provide you with a phone number
 16 that that phone number remains the same
 17 throughout the account history.
 18 A. Okay. Then I must have misunderstood your
 19 question.
 20 MR. BUSHWAY: Let me -- I asked and -- you know, I'll
 21 clarify this with whatever we need to get later,
 22 Ken, because I asked this question yesterday,
 23 because of the four sheets, why that was the only

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1 office from the client.
 2 Q. So if this account was received by Account
 3 Solutions Group when it was still an entity and
 4 still doing debt collection and subsequently
 5 assumed by Firstsource --
 6 MR. BUSHWAY: Object to the form.
 7 BY MR. HILLER:
 8 Q. -- would there be any indication on the account
 9 log as to the fact that this was originally an
 10 Account Solutions Group and now this is a
 11 Firstsource account?
 12 A. No.
 13 MR. BUSHWAY: I believe she's testified she doesn't
 14 know when the actual corporate --
 15 THE WITNESS: But I don't -- if I'm understanding
 16 your question correctly, it would have no
 17 bearing. That would have no bearing on the
 18 account itself.
 19 BY MR. HILLER:
 20 Q. It says desk unit WJE on the first column up at
 21 the top. What does that mean?
 22 A. That is, that is a file. That was -- it's a
 23 desk. So that -- those are actually my initials.

1 one that was put in there. And what I was told
 2 is, that was done when this was pulled. If you
 3 see at the very top, it says March 19th, 2008.
 4 Very, very top.
 5 MR. HILLER: Yes. Yes.
 6 MR. BUSHWAY: Okay. That's when this was -- when the
 7 lawsuit had started, it was being pulled. That
 8 notation of G and C review was put in at that
 9 point. It did not happen on the other three.
 10 But that was what I was told when I asked that
 11 question. General counsel. If you -- we can
 12 obviously work out some sort of documentary to
 13 verify that, that that notation was done. I
 14 don't know if Jessica was part of that
 15 conversation that I had with general counsel.
 16 THE WITNESS: Well, I want to clear up the answer to
 17 that question. Initially I thought what you had
 18 meant was when it's uploaded into the system do
 19 we have a way of manipulating what number appears
 20 on the account on initial upload, and the answer
 21 to that question is no. Can we manipulate that
 22 phone number once it's in the queue and under a
 23 collector's influence? Certainly. If somebody's

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1 giving us -- if they say it's a wrong number and
 2 they say you want to reach them at this number,
 3 then we absolutely can go in and change that
 4 number.
 5 BY MR. HILLER:
 6 Q. And that would be reflected in the account notes
 7 that the number was changed?
 8 A. Correct.
 9 Q. Okay.
 10 MR. BUSHWAY: I was speaking just as to why it says G
 11 and C review instead of a phone number, and that
 12 was the explanation I was given. So I was
 13 speaking strictly to the --
 14 THE WITNESS: Okay.
 15 MR. BUSHWAY: To that line, because I noticed the
 16 same thing that you did.
 17 BY MR. HILLER:
 18 Q. All right. And on line twenty-one, it says --
 19 can you tell me what those initials mean on that
 20 line?
 21 A. That means that Soundbite called the, the number
 22 and somebody picked up the phone, and while they
 23 were holding to transfer that call to an

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1 available collector, that person hung up before
 2 that transfer could take place.
 3 Q. And so if the person hung up while they were on
 4 hold, they would have heard an automated message?
 5 A. I don't know.
 6 Q. Well, isn't the only way that they get placed on
 7 hold is if they press a button, a one or a two,
 8 to be placed through to somebody?
 9 A. I don't know if there's a lag time between when
 10 the phone rings and that person picks up the
 11 phone, if there could possibly be a second or two
 12 of just dead air before the automation comes on.
 13 I don't know how quickly that response time is,
 14 so it's always possible that they could have hung
 15 up then.
 16 Q. The only one who would really know that then
 17 would be the debtor or whoever answered that
 18 phone call themselves?
 19 A. Correct. Somebody -- a representative from
 20 Soundbite might be able to answer that question
 21 as well. I'm not sure.
 22 Q. Okay. And in line twenty-nine where it says
 23 LMTCB, that's left message to call back, correct?

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1 A. Correct.
 2 Q. And lines thirty-seven and thirty-eight, can you
 3 tell me what those -- and actually through forty,
 4 can you tell me what those abbreviations mean?
 5 A. Those mean that an automated message was left.
 6 Q. Okay. And on line fifty-two, who called on March
 7 9th, 2007?
 8 A. That would be Soundbite. Soundbite always
 9 subsequently places it because of the day-end
 10 process that -- when it was called and what time
 11 it was called. So what you're seeing -- like
 12 when you see account sent to Soundbite, that just
 13 simply means that that's when the account was
 14 tagged to be loaded into the template. When it
 15 was actually called is always going to be stamped
 16 underneath it by the actual automated system.
 17 Q. And on line fifty-one, it says telephone
 18 residence, no answer.
 19 A. Um-hum.
 20 Q. Would Soundbite have left a message if there was
 21 an answering machine?
 22 A. Not necessarily. Again, it depends on the
 23 operations manager's strategy at the time. We

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1 can check a box to say deliver that message or
 2 don't.
 3 Q. Can you tell from this what instruction Soundbite
 4 had?
 5 A. No, I can't.
 6 Q. You would have to look at the Soundbite log,
 7 correct?
 8 A. Correct.
 9 Q. And does the Soundbite log document every call as
 10 well and whether a message was left?
 11 A. I believe it does.
 12 Q. Okay. All right. I want to take you down to
 13 line sixty-three.
 14 A. Okay.
 15 Q. Can you tell me what that -- those abbreviations
 16 mean?
 17 A. Yes. AKI was the collector that received an
 18 inbound call. And she -- the review caller ID
 19 simply is her putting in the caller ID that
 20 showed up on her phone from the inbound call.
 21 Q. Okay. And then lines sixty-four through
 22 sixty-seven are notes of the nature of the
 23 telephone conversation?

1 A. Correct.
 2 Q. Can you tell me what the notes indicate to you or
 3 what's discussed?
 4 A. Yes. AKI spoke with the cardholder, documented
 5 that the cardholder stated that she could not pay
 6 in full, she needs a payment plan. Stated that
 7 she needs payment plan and she cannot do anything
 8 until April 20th. Refused even fifty dollars,
 9 stated she is broke.
 10 Q. What does WB slash AKI mean?
 11 A. Worked by and then the CUBS initials.
 12 Q. Does the -- do these notes indicate whether the
 13 debt collector informed the -- gave any mini
 14 Miranda warning to the debtor?
 15 A. It does not indicate either way.
 16 Q. Is it Firstsource's policy that in all
 17 communication with debtors that debt collectors
 18 should give them a mini Miranda warning?
 19 A. Yes.
 20 Q. The Miranda warning, can you tell me what that
 21 is?
 22 A. This is an attempt to collect a debt, any
 23 information obtained will be used for that

1 employed with the company.
 2 Q. Do you know why? Was she terminated?
 3 A. I don't believe so. I don't believe so. I think
 4 she left voluntarily.
 5 Q. Do you know if she was ever reprimanded for not
 6 fully documenting conversations she had with
 7 debtors?
 8 A. I'm not sure.
 9 Q. Would that be in her personnel file?
 10 A. Yes.
 11 Q. I'd like you to go to lines one hundred through
 12 one o-four, and if you could tell me what those
 13 abbreviations mean.
 14 A. Okay. Again, an incoming call came into the
 15 line. They reviewed the caller ID number and
 16 stamped the number that showed up on their
 17 telephone screen. It was worked by WLN who was
 18 William Nunley. What he did is, he promised the
 19 account out, stated that he did give the mini
 20 Miranda. He requested to obtain payment in full
 21 from the customer. And the customer agreed to
 22 pay fifty dollars on May 31st; on June 14th,
 23 sixty-eight dollars and eighteen cents; and on

1 purpose.
 2 Q. And are the debt collectors trained to document
 3 the fact that they left a mini Miranda warning
 4 when they document telephone conversations with
 5 debtors?
 6 A. They should, yes.
 7 Q. So in this case, either a mini Miranda was not
 8 given or it was given and the debt collector did
 9 not follow Firstsource's policies and didn't
 10 record it?
 11 A. Correct.
 12 Q. And what does line sixty-eight designate?
 13 A. That another calling took place and she followed
 14 up with, or calling followed up with, but these
 15 should specify who she was speaking to. Again,
 16 the collector did not document full and complete
 17 notes.
 18 Q. So the debtor called back and we don't know what
 19 was said?
 20 A. We don't know who called back. She's not
 21 indicating who called back.
 22 Q. And do you know who AKI is?
 23 A. Her name is Ashley Kirk. She is no longer

1 June 28th, she would pay sixty-eight dollars and
 2 eighteen cents.
 3 Q. And what does res PTP mean again?
 4 A. Res means that it was the residential number that
 5 he called and a PTP is a promise to pay.
 6 Q. Okay. So does that mean he was trying to obtain
 7 a promise to pay?
 8 A. That he did obtain a promise to pay.
 9 Q. He did. Okay. And then lines one-o-five through
 10 one-o-seven document that -- actually, through
 11 one-o-nine document that payments were, in fact,
 12 made by the debtor, correct?
 13 A. Correct.
 14 Q. So every pay check number documents the receipt
 15 of a check from the debtor?
 16 A. Yes. PD check stands for a postdated check.
 17 Q. I see. Do you know if letters -- any letters
 18 were sent out to the debtor before depositing
 19 those postdated checks?
 20 A. It looks to me that on line one-o-nine on May
 21 23rd of 2007, a letter did go out letting the
 22 customer know that we did have a check on file
 23 for them. That was going to be sent.

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1 Q. And then line one ten, what does that mean?

2 A. That means that it was -- the account moved from

3 open desk AD1 to MSD.

4 Q. And who is that?

5 A. AD1 was simply an open desk for Adelpia and MSD

6 was Daniel Martin.

7 Q. And is Daniel Martin and WLN who you identified

8 still with the company?

9 A. Daniel Martin is not. William Nunley, I'm not

10 sure.

11 Q. One eleven says sent letter paid. Can you tell

12 me what that means?

13 A. Again, it is a letter with a, with a post date.

14 So I -- the post date, okay? So when you go back

15 to one-o-nine, the letter was requested by the

16 system. Line one eleven reflects when it was

17 actually sent.

18 Q. And then what does one twelve mean?

19 A. That means that the check for fifty dollars was

20 selected by the system to be printed.

21 Q. And what does one thirteen mean?

22 A. One thirteen means that it was actually printed.

23 Q. And one fourteen and one fifteen?

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1 A. One fourteen is when it posted to the account.

2 The payment.

3 Q. And then one sixteen?

4 A. Again, this would be a request for a postdated

5 letter to go out to the customer to let them know

6 that they again have another check to be

7 withdrawn.

8 Q. So on line fourteen where it has fifty point zero

9 zero and then later on it says auto post, that

10 means fifty dollars was received and posted to

11 the account?

12 A. Correct.

13 Q. And is every letter mailed by Firstsource

14 documented on the -- on this log?

15 A. Yes. Any letter that was sent would be

16 documented on the log.

17 Q. So was this account paid in full by the debtor?

18 A. Yes.

19 Q. Tell me how a file is closed. What is the

20 process of closing a file?

21 A. It depends on the action that's taken place. So,

22 in this case, the account was paid in full. Once

23 that paid-in-full is received, we notify the

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1 client. We close the account and notify the

2 client that the payment in full has taken place

3 so they can update their records.

4 Q. So she apparently paid this in full in -- when?

5 When did she do that?

6 A. The actual -- the last payment, it looks like

7 that posted on the 28th of June.

8 Q. Okay. And then on 7/3, it says paid, checks

9 completed, add to tickler. What would that mean?

10 A. The tickler -- if you go back to the first page,

11 the tickler -- well, you're not going to see it

12 on here. Sorry. It's where -- it's a column

13 within -- on the top of the screen where the

14 collector can go in and they can put the promise

15 in, the promise to pay, amount, promise to pay

16 date. Or let's just say that they called the

17 account and they wanted to time it up for the

18 next day to be called. That's the tickler. They

19 can put all of that information in there.

20 Once the account is on a postdated check

21 plan or a promise to pay has taken place, all of

22 that information is removed from the tickler so

23 that it doesn't populate into their queue.

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1 Q. So what would they be adding to the tickler at

2 this point --

3 A. Let's see.

4 Q. -- in one thirty-three? Because it says zero

5 balance right above that.

6 A. Bill, Bill -- it looks like William Nunley made

7 an error. What happens is, once the account is

8 zeroed out, all the information is removed from

9 the tickler because there's no reason for it to

10 be populating into someone's queue. It's a waste

11 of time. When William Nunley looked at the

12 account, it gives you the option to add the

13 information back to the tickler for that

14 particular collector or not. He put yes instead

15 of no.

16 Q. Okay. And then the next line, perhaps he noticed

17 this error and he said the account has been

18 settled?

19 A. Yes.

20 Q. And so would he then transfer the account to

21 somebody else? Would he have been done with the

22 account at this point?

23 A. Yeah, that's correct. So he -- when he put that

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<p>1 -- when it says collector review account has been 2 settled, he used an action code to, to reflect 3 that, that the account has been settled, and then 4 it was overwritten by the cancellation for 5 payment in full on July 28th. 6 Q. Somebody overrode what? 7 A. The status code. 8 Q. Because the status code said that the account was 9 still open? 10 A. No. It just changed it from a paid-in-full to 11 settled in full, and then it changed it back to a 12 paid-in-full. 13 Q. Paid in full means you paid the full amount due. 14 Settled in full is where you pay a lower amount 15 by agreement, correct? 16 A. Correct. 17 Q. And who would have corrected that? 18 A. It would happen automatically. 19 Q. Okay. And then what does line one thirty-four 20 mean? 21 A. That it went from desk -- Bill Nunley's desk, 22 WLN, to my desk, WJE, to take it out of 23 population.</p>	<p>1 has to do with client requirements on how these 2 accounts get reported back to them. 3 Q. Okay. 4 A. And time frames. 5 Q. Well, but I just want to know how it got -- how 6 in general an account would get to your desk to 7 put final closure on the account. How would that 8 happen? 9 A. Well, that doesn't dictate the closure. That 10 just means that it was moved from one desk to 11 another. Once the account reflects a zero 12 balance, the CUBS is designed to automatically 13 put a payment-in-full status code on an account. 14 Q. Okay. And is there -- is that then put in some 15 sort of queue to close at that point? 16 A. It can be. It can be supported which means that 17 it can be put into the client relations desk. 18 But, again, that is a manual attempt. Or 19 typically, our clients will -- they will go 20 through a recall process and be closed and 21 recalled to the client. What Time Warner's 22 policies were for recalling their accounts I 23 don't know.</p>
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<p>1 Q. Was that done automatically or did William do 2 that? 3 A. It could be that I did that. It could have -- 4 any -- I mean, he doesn't -- he could have. He 5 doesn't have the ability on -- at a collector's 6 level to change the desk. Only a supervisor or 7 higher can change a desk. 8 Q. Okay. So how would this file have come to your 9 attention? 10 A. It could have been that he may have complained 11 and said this keeps coming up or it's in my code 12 and it's paid in full. I don't, I don't want it 13 to keep showing itself to me. And I may have 14 taken it out to -- just because nobody works my 15 file. When it's stamped WJE, that's where -- the 16 accounts that maybe are a zero balance that the 17 client has not recalled yet, we might put it 18 there to just take it out of general population. 19 Q. So after an account was paid in full, describe to 20 me the proper procedure for closing out a file at 21 that point to get it to your desk to close out. 22 A. Well, that -- that's client-specific and that's 23 another question for Theresa Milbrath because it</p>	<p>1 Q. Is there ever an instance where a file is left 2 open more than thirty days after it's paid in 3 full? 4 A. I don't know. 5 Q. Well, does Time -- does Firstsource have some 6 sort of procedure to insure that there are not an 7 excessive number of paid-in-full files still 8 open? 9 A. Yes. 10 Q. And what is that? 11 A. It's called our exceptions report. So if I have 12 a paid-in-full and there's something on that 13 account that dictates that maybe the client's 14 standard hasn't been yet -- let's just say it 15 says payment in full but there's still five cents 16 showing on the balance -- this is hypothetically 17 -- and the client standard says no, you can't 18 send it back to us until it's zero, it's going to 19 be on a specific report that the managers receive 20 through an e-mail every day to say you need to 21 look at this, there's something not right with 22 it. 23 Q. And so is it sorted by oldest to youngest case?</p>

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1 For instance, a paid-in-full account more than --
 2 that's been paid in full for, say, two months, it
 3 may be at the top of the list in some way and one
 4 that was just paid in full a week ago would be
 5 lower on the list?
 6 A. I'm not sure if, again, if that's
 7 client-specific. I only look at the exceptions
 8 that are pertinent to my client codes. So if you
 9 have a client out there that says we don't need
 10 to know about this for twenty days, don't tell
 11 us, that's always a possibility. And you may
 12 have another client that says I want to know
 13 within seven.
 14 Q. And who is responsible for handling the Time
 15 Warner accounts?
 16 A. Well, we no longer have Time Warner as a client.
 17 Q. Who was responsible?
 18 A. Me.
 19 Q. Okay.
 20 A. After, after Barbara Healey. She was the primary
 21 manager. I only had Time Warner Cable I think
 22 for two or three months.
 23 Q. Were you the manager -- do you know what months

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1 those were?
 2 A. Gosh. I want to say -- I'm trying to remember
 3 when I was promoted. June of -- was it '06?
 4 Yes.
 5 MR. BUSHWAY: I want to say roughly the account was
 6 canceled end of calendar year 2007. By that I
 7 mean, you know, I don't know if it was December
 8 20th or January 10th, but around, you know, the
 9 end of the year of 2007.
 10 MR. HILLER: Okay.
 11 MR. BUSHWAY: So somewhere in that range is the
 12 closure date. Whether --
 13 BY MR. HILLER:
 14 Q. It says PI -- on line one thirty-three, it says
 15 PIF close, 7/28. And so at that point would you
 16 have been receiving exception reports for this
 17 account on that because it's paid in full and the
 18 account still remains an open account?
 19 A. I'm not sure. I would have to review the report.
 20 Q. And where are those reports kept?
 21 A. Theresa Milbrath would have a log.
 22 Q. And is it unusual for -- I mean, apparently it
 23 got to your desk four months later. Almost four

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1 -- three and a half months later in November of
 2 2008. Is that unusual for it to take that long
 3 for it to get to you to close out?
 4 A. Yes. And the reason being is, Bill Nunley went
 5 in and changed the status of the account.
 6 Q. To paid in full?
 7 A. To a settled-in-full versus a paid-in-full. I
 8 don't know when the computer system caught that
 9 and changed it back. I'm not really sure how
 10 that's programmed or designed.
 11 Q. Well, they caught it, it looks like, on 7/28/07
 12 where it says canceled, paid in full, close?
 13 A. Right.
 14 Q. Why would it have taken until November 8th for
 15 you to actually close out the account?
 16 A. I'm not sure.
 17 Q. Is that unusual for it to take that long?
 18 A. Yes, definitely that is unusual.
 19 MR. HILLER: All right. I'd like to take a break.
 20 MR. BUSHWAY: Are we done with Starkey?
 21 MR. HILLER: Yes. Do you want to take a
 22 fifteen-minute break?
 23 MR. BUSHWAY: Yes.

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1 (Whereupon, a short recess was then taken
 2 and Mr. Borgese left the proceedings.)
 3 BY MR. HILLER:
 4 Q. I'm showing you Plaintiff's Exhibit 10. Can you
 5 identify that?
 6 A. Donna Riley. Donna D. Riley.
 7 Q. It's her account log, correct?
 8 A. Correct.
 9 Q. That states that it was assigned 10/5/06,
 10 correct?
 11 A. Correct.
 12 Q. And that three hundred seventy dollars and
 13 ninety-three cents was originally owed on the
 14 account, correct?
 15 A. Correct.
 16 Q. And who is manager SHB?
 17 A. Barbara Healey.
 18 Q. This would have been in 2006 when it was still
 19 under the auspices of Account Solutions Group?
 20 A. I believe so. Again, I cannot recall as to the
 21 exact date of the name change.
 22 Q. At the very top it says Firstsource Advantage,
 23 LLC. When it was -- when the account was at

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<p>1 Account Solutions Group, was it different at the</p> <p>2 top?</p> <p>3 A.I don't know.</p> <p>4 MR. BUSHWAY: I would note that Firstsource/Account</p> <p>5 Solutions Group is on the same line as the March</p> <p>6 2008 run line, and, therefore, which was -- the</p> <p>7 March 2008 date is then running the reports for</p> <p>8 me which may mean that that line is the same</p> <p>9 computer line and, therefore, have nothing to do</p> <p>10 with the actual -- correct?</p> <p>11 THE WITNESS: Correct.</p> <p>12 MR. BUSHWAY: This would merely reflect that it was</p> <p>13 printed.</p> <p>14 THE WITNESS: Correct. That would not show up on the</p> <p>15 actual screen.</p> <p>16 BY MR. HILLER:</p> <p>17 Q.So line twenty-nine indicates that a message was</p> <p>18 delivered to a live person, correct?</p> <p>19 A. Correct.</p> <p>20 Q.It would have been an automated message, correct?</p> <p>21 A. Yes.</p> <p>22 Q.And the only way you can really determine whether</p> <p>23 or not an automated message was left is by</p>	<p>1 campaign where it's not set up to be delivered to</p> <p>2 a collector; that it simply acts as a Blaster</p> <p>3 would and simply leaves a call-back number for</p> <p>4 that person.</p> <p>5 Q.Okay. And you could verify that by looking at</p> <p>6 the Soundbite log, correct?</p> <p>7 A.Yeah. We would have to see how that was set up.</p> <p>8 I'm not sure if the log would identify that or</p> <p>9 not.</p> <p>10 Q.Is Soundbite -- are those calls placed by a</p> <p>11 company other than Firstsource?</p> <p>12 A.Yes. So the way that Soundbite is set up and how</p> <p>13 it's run is by a third-party vendor. We simply</p> <p>14 put the accounts from a temporary Internet file</p> <p>15 -- or, I'm sorry, Excel file into it and we</p> <p>16 upload it into their database and they run it.</p> <p>17 Q.Okay.</p> <p>18 A.How that communication happens, I'm not sure.</p> <p>19 Q.Does Firstsource keep those Excel files?</p> <p>20 A.They do get, they do get erased every now and</p> <p>21 then when we get very full, but how often that</p> <p>22 happens or where they go after that I'm not sure.</p> <p>23 Q.And what is the vendor that operates Soundbite?</p>
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<p>1 looking at the Soundbite log?</p> <p>2 A. Correct. You could, you could -- you can look at</p> <p>3 the note line and it tells you right in the notes</p> <p>4 that it was delivered to a live person.</p> <p>5 Q. Correct.</p> <p>6 A. The message was delivered to a live person.</p> <p>7 Q. But there are many lines, for instance, line --</p> <p>8 well, a lot of these were answered. Well, for</p> <p>9 instance, Soundbite no result, is there any way</p> <p>10 of knowing whether or not a message was left?</p> <p>11 This is line sixty-seven I'm looking at.</p> <p>12 A. I see.</p> <p>13 Q. Can you tell whether or not a message was left?</p> <p>14 A. No, I cannot.</p> <p>15 Q. Okay. So you know which ones definitely a</p> <p>16 message was left and the other ones you really</p> <p>17 can't tell?</p> <p>18 A. You can't tell from the note line, no.</p> <p>19 Q. All right. And many of these say message</p> <p>20 delivered to live person and then there's nothing</p> <p>21 further. What would that indicate to you?</p> <p>22 A. That could have been -- I -- it's possible that</p> <p>23 that could have been what we call an unattended</p>	<p>1 A. They are Soundbite.</p> <p>2 Q. They're called Soundbite?</p> <p>3 A. Yes.</p> <p>4 Q. And do they call from their telephone system?</p> <p>5 A. I don't know how that works to be honest with</p> <p>6 you.</p> <p>7 Q. Okay. Who would know that?</p> <p>8 A. You could talk to either Lisa Stuart or Nathan</p> <p>9 Anderson.</p> <p>10 Q. Okay.</p> <p>11 MR. BUSHWAY: Are they Firstsource people or --</p> <p>12 THE WITNESS: Yes. I don't know who their contact is</p> <p>13 at Soundbite.</p> <p>14 BY MR. HILLER:</p> <p>15 Q. And what is Lisa Stuart's position?</p> <p>16 A. She's the manager of telecom.</p> <p>17 Q. And what is Nathan Anderson's --</p> <p>18 A. He is -- I believe his title is a data analyst,</p> <p>19 but Soundbite is his, his process.</p> <p>20 Q. All right. Then on line eighty-three -- well,</p> <p>21 eighty-two and eighty-three, can you tell me what</p> <p>22 those entries mean?</p> <p>23 A. Okay. Eighty-two was the status and that was</p>

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1 active. And then it looks like we must have
 2 scrubbed for a bankruptcy or we received
 3 documentation of a bankruptcy. Yeah,
 4 correspondence was received. So we canceled the
 5 account. We changed the status from an active
 6 account to a bankruptcy.
 7 Q. And where -- okay. And who did that, MG -- who
 8 is MGU?
 9 A. MGU I do believe is Maria Guercio, and she is in
 10 accounting.
 11 Q. So what is the process that should be undertaken
 12 when Firstsource receives notice that a debtor
 13 filed bankruptcy?
 14 A. Again, that would be Theresa Milbrath's area.
 15 She handles the bankruptcies.
 16 Q. All right. So what do lines eighty-four and
 17 eighty-five reveal?
 18 A. That reveals that we received correspondence, and
 19 then it looks like Roberta Suida (phonetic), who
 20 is RAB, documented that we -- an account was
 21 already closed and forwarded to general counsel
 22 for review.
 23 Q. When was the account closed?

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1 A. It looks to me from the notes that it was closed
 2 on March 2nd of 2007.
 3 Q. But there's no indication that -- there's no line
 4 entry that actually says account closed?
 5 A. Well, it was canceled, so it was. If it's
 6 canceled, it's closed.
 7 Q. All right. What are the asterisks in the
 8 left-hand column? What do they designate?
 9 A. I don't know. That, that -- the asterisks, I
 10 don't believe that those even show up in CUBS.
 11 I've never seen them.
 12 Q. So do you know why the account would have
 13 remained open for nine months after notice of the
 14 bankruptcy was received?
 15 A. Again, that would be a Theresa Milbrath question.
 16 I'm not sure why.
 17 Q. Well, in your job as operations manager, would
 18 you close out files after notice of bankruptcy is
 19 received?
 20 A. I probably would not. Operations does not close
 21 accounts. We simply document what -- if, if --
 22 let's say hypothetically we received a call from
 23 an attorney that said that this person has filed

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1 bankruptcy, or the customer themselves. We would
 2 status-code it with a bankruptcy and it would
 3 prompt us for specific information like an
 4 attorney's name, the number, the case number.
 5 Things of that nature. And then client relations
 6 would be alerted by that status, and they, again,
 7 would be the ones to handle it from there.
 8 Q. When this notice of bankruptcy was received on
 9 March 2nd, is there any indication that the
 10 programming for Soundbite or Blaster was
 11 terminated?
 12 A. Yeah, because you don't see it again.
 13 Q. But wouldn't there be a message sent to
 14 discontinue it?
 15 A. You don't need to because it's all by status.
 16 Q. And what -- all right. Where does it say what
 17 the status is?
 18 A. Right there. You can see that the status was
 19 changed on March 2nd from active to bankruptcy.
 20 So ACT went to BKT.
 21 Q. What does ACT stand for?
 22 A. Active.
 23 Q. And BKT is actually a status entry?

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1 A. For bankruptcy, yes.
 2 Q. And automatically discontinues any further calls?
 3 A. Correct.
 4 MR. HILLER: I don't think I had this marked. If you
 5 could mark this.
 6
 7 (Whereupon, a Collection Communications Log
 8 was then received and marked as Plaintiff's
 9 Exhibit 15, for identification.)
 10
 11 MR. BUSHWAY: I'd like the record to reflect that the
 12 document that we're now viewing was provided
 13 during the Plaintiffs' depositions which took
 14 place yesterday, so this is not something that my
 15 witness has had any opportunity to review. And,
 16 obviously, any objections that we might have to
 17 its disclosure, we'll deal with it at a later
 18 time and not hold up the deposition.
 19 BY MR. HILLER:
 20 Q. I'm showing you what's been marked as Plaintiff's
 21 Exhibit 15. And at yesterday's deposition, Ms.
 22 Riley testified that that was a
 23 contemporaneously-kept telephone log of calls she

<p style="text-align: right;">Page 106</p> <p>1 received in 2007.</p> <p>2 A. Okay.</p> <p>3 Q. The dates -- you can see the month and the date,</p> <p>4 but she testified it was in 2007.</p> <p>5 A. Okay.</p> <p>6 Q. But those dates are not reflected on</p> <p>7 Firstsource's records. There's no indication</p> <p>8 that telephone calls were made on those dates.</p> <p>9 There is -- Firstsource's records show no calls</p> <p>10 made after March 2nd, 2007. Do you have any idea</p> <p>11 how those calls could have possibly been made?</p> <p>12 MR. BUSHWAY: Object to the form for one second. And</p> <p>13 just so I'm clear, on the record, the date</p> <p>14 column, are you representing that that is 2000 --</p> <p>15 what did you say?</p> <p>16 MR. HILLER: Seven.</p> <p>17 MR. BUSHWAY: Because they're not marked on there.</p> <p>18 THE WITNESS: The only way that I can think that her</p> <p>19 account -- her number could have been called is</p> <p>20 if it was a number that was on an account maybe</p> <p>21 from a different client that happened to be hers.</p> <p>22 I don't know.</p> <p>23 BY MR. HILLER:</p>	<p style="text-align: right;">Page 108</p> <p>1 this particular case numbered one through</p> <p>2 eighty-six. Is it possible, for example, to</p> <p>3 delete line eighty-one?</p> <p>4 A. I would think that it's possible. Can I do it or</p> <p>5 any member of operations? Absolutely not.</p> <p>6 Q. It would have to be somebody higher in</p> <p>7 management?</p> <p>8 A. Maybe IT. I don't know.</p> <p>9 Q. Who would know the answer to that question?</p> <p>10 A. Chris Habschied.</p> <p>11 Q. So in this account log for Donna Riley, there's</p> <p>12 no indication that a telephone conversation ever</p> <p>13 took place with Miss Riley or anyone else?</p> <p>14 A. Let's take a look. No.</p> <p>15 Q. Okay. I'm showing you Plaintiff's Exhibit 14.</p> <p>16 A. Do you have a front page?</p> <p>17 Q. I have it.</p> <p>18 MR. BUSHWAY: She's saying there's a page missing</p> <p>19 from what's been copied here, that there should</p> <p>20 be -- this is off the record.</p> <p>21 (Discussion off the record.)</p> <p>22 BY MR. HILLER:</p> <p>23 Q. I'm showing you what's been marked as exhibit --</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. Okay. There's a phone number, there's a phone</p> <p>2 number on this document, 888-46 -- 446-8517. Do</p> <p>3 you know if that is an Account Solutions Group or</p> <p>4 Firstsource telephone number?</p> <p>5 A. I do not know.</p> <p>6 Q. But your testimony is that there was no</p> <p>7 collection phone calls made to Ms. Riley on this</p> <p>8 particular Time Warner Cable account?</p> <p>9 A. Correct.</p> <p>10 Q. Is there any way that these calls could have been</p> <p>11 made and not be reflected on the call log?</p> <p>12 A. The only way for that to happen would be if a</p> <p>13 collector themselves pulled up the account and</p> <p>14 called the number and didn't document it.</p> <p>15 Q. Okay. But if he did that, if a debt collector</p> <p>16 did that, would it leave a voice -- could he</p> <p>17 cause a voice-recorded message to be left?</p> <p>18 A. No.</p> <p>19 Q. And the debt collector can't send a message to</p> <p>20 Soundbite and Blaster? Or Blaster.</p> <p>21 A. No.</p> <p>22 Q. Do you know if it's possible to delete any</p> <p>23 entries in the notes? You know, the notes in</p>	<p style="text-align: right;">Page 109</p> <p>1 Plaintiff's Exhibit 14. Can you identify that</p> <p>2 document?</p> <p>3 A. Thomas Moltz.</p> <p>4 Q. And it's his account record, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And it was assigned to Firstsource on July 25th,</p> <p>7 2007, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And this and all the other accounts are for Time</p> <p>10 Warner debts, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And it states that eighty-six dollars and</p> <p>13 twenty-five cents is owed on the account,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. And I'd like you to go down to line twenty-five.</p> <p>17 A. Okay.</p> <p>18 Q. And can you tell me what lines twenty-five</p> <p>19 through thirty say.</p> <p>20 A. Okay. Line twenty-five was a Blaster campaign.</p> <p>21 So what this tells me is that the, the customer,</p> <p>22 whoever answered the phone, was on hold, you have</p> <p>23 a very important message, and before the message</p>

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1 could be delivered hung up the phone.
 2 Q. Okay.
 3 A. Again, that happened on the 22nd of August. And
 4 then when you go down to line twenty-seven, some
 5 -- it looks like someone called in. I'm jumping
 6 from eighty-two. It was the customer. The
 7 caller ID was documented by Bobbi Jo Jermy. And
 8 she demanded payment -- or requested, I should
 9 say, payment in full, and no arrangement was made
 10 because the customer refused the options that she
 11 gave. So that she -- it looks like she's
 12 claiming that she doesn't owe anything -- or he
 13 doesn't owe anything and don't call him again.
 14 Q. So this was indicating that Mr. Moltz asked the
 15 debt collector to have Firstsource place no
 16 further phone calls to him?
 17 A. Yes.
 18 Q. And obviously, after that, many calls were made
 19 to him, correct?
 20 A. Correct.
 21 Q. Was that consistent with Firstsource's policies?
 22 A. Yes. We would have required that to be in
 23 writing.

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1 Q. Okay. So that -- you testified earlier that
 2 would be the policy that Time Warner provided to
 3 Firstsource?
 4 A. Possibly. I -- again, I don't know what the
 5 contract states.
 6 Q. Would you go to line thirty-three and tell me
 7 what that says?
 8 A. Again, it was called by Blaster and the party
 9 hung up.
 10 Q. And then can you tell me what line -- well, on
 11 Blaster -- you probably answered this already --
 12 can you tell from a -- if there's a reference to
 13 a Blaster call whether it was one call or
 14 multiple calls?
 15 A. On the note lines, I don't know if it was
 16 reflected more -- the only time it's going to
 17 call it again is if we requested what's called
 18 multiple passes. I have never known any managers
 19 to do that. I don't even know if it's an option
 20 to be honest with you. But when we request it,
 21 we're the ones putting it on a template that we
 22 give to the dialer staff, and we just say here,
 23 we want these blasted. When we do that, it was

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1 only one time.
 2 Q. So you're not aware of ever programming Blaster
 3 to make more than one call a day?
 4 A. I never have.
 5 Q. But you can't say for sure that it never happens?
 6 A. I can't say for sure. I'm not sure.
 7 Q. And who is the operations manager for this file?
 8 A. Let me see. I'm going to assume it was myself.
 9 Q. Oh, I think line ten says that.
 10 A. Judging from the dates, yeah.
 11 Q. That's you?
 12 A. Because this would have been -- this would have
 13 fit the time frame that I would have taken it
 14 over. Yep, there it is. It was me.
 15 Q. So given the fact that you have never done it,
 16 you did not program the Blaster to place more
 17 than one call a day?
 18 A. No.
 19 Q. And do you ever program Soundbite to make more
 20 than one call in a day?
 21 A. In this particular case I'm not sure if I did or
 22 not, but, yes, I have in the past.
 23 Q. You have. Okay. But I thought you said that the

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1 policy was not to call people more than one time
 2 per day.
 3 A. What we do is, we set it up on Soundbite. We can
 4 set it up for what's called multiple passes. So
 5 if the result is a no-answer or we have, we have
 6 designed it so that if we're leaving an automated
 7 message that it ends the call upon detection of a
 8 voice mail and not to leave it, we can run that
 9 number for another pass at a later time that day.
 10 Q. Okay. All right. So could you tell me what
 11 lines thirty-four through forty-eight designate?
 12 A. Okay. It looks like the customer called in to
 13 our office and KKDU, which is Karen Duvall,
 14 answered that call. She documented a refusal on
 15 the account. Apparently whoever she spoke with
 16 yelled at her in a very threatening manner, felt
 17 that he should not get calls because he told us
 18 not to. She documented his caller ID. Told her
 19 that we were harassing him and he does not feel
 20 he should pay because he already paid this at
 21 another collection sintex (sic) or something.
 22 That it was hard to make out what he was saying
 23 because he was obnoxious. Extremely loud, would

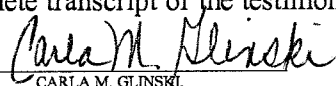
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<p>1 not letter her explain anything and she could not</p> <p>2 get a word in edgewise.</p> <p>3 Q. Well, you're saying that's what was said.</p> <p>4 A. Yes.</p> <p>5 Q. But that's what her -- that's her account of the</p> <p>6 conversation, correct?</p> <p>7 A. Yes. This is what her notes reflect, yes.</p> <p>8 Q. Right. And there was no automatic entry of this</p> <p>9 call into the account log, correct? She had to</p> <p>10 enter this?</p> <p>11 A. Yes, she had to enter that.</p> <p>12 Q. So I thought you said that if somebody called in</p> <p>13 and the debt collector pulled the account file</p> <p>14 that it automatically got entered into that</p> <p>15 account file as an incoming call. Is that not</p> <p>16 the case?</p> <p>17 A. No. No. No, that is not the case.</p> <p>18 Q. And is a -- then --</p> <p>19 A. I'm -- it comes into their phone. It's</p> <p>20 documented. We can query for that by the phone</p> <p>21 reports, not CUBS.</p> <p>22 Q. Okay. So there's form reports that can document</p> <p>23 all incoming calls?</p>	<p>1 that code identifies who they are. So when the,</p> <p>2 when the phone number is queried, it shows whose</p> <p>3 phone that routed to.</p> <p>4 Q. And so, for instance, if Thomas Moltz called,</p> <p>5 let's just say hypothetically, on September 5th</p> <p>6 and there is no call logged here, but if this</p> <p>7 debt collector answered that call, it would --</p> <p>8 the call log -- not the CUBS log, but the call</p> <p>9 log would show that she received a call on that</p> <p>10 time and date?</p> <p>11 A. Correct.</p> <p>12 MR. BUSHWAY: Well, let me clarify. You know, would</p> <p>13 you be searching by Thomas Moltz or would you be</p> <p>14 searching by a phone number that was used to call</p> <p>15 into the system?</p> <p>16 THE WITNESS: A phone number.</p> <p>17 BY MR. HILLER:</p> <p>18 Q. So could you search for Thomas Moltz's phone</p> <p>19 number in this particular debt collector's</p> <p>20 account to see if there's any receipts of phone</p> <p>21 calls from him?</p> <p>22 A. I -- we have the capability of doing that.</p> <p>23 Whether we keep records that far back, I don't</p>
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<p>1 A. Yes.</p> <p>2 Q. What is that report called?</p> <p>3 A. There is no name to the report. If I were to</p> <p>4 request a query to be done on a phone -- a</p> <p>5 specific phone number, I would have to open up</p> <p>6 what's called an IT ticket for telecom to query</p> <p>7 that number for me and they would provide me with</p> <p>8 the results.</p> <p>9 Q. And is the phone logs detailed to each particular</p> <p>10 debt collector?</p> <p>11 A. Yes. It would tell you who it -- who -- either</p> <p>12 when they had ownership of it or where it was</p> <p>13 routed, if it went to their phone.</p> <p>14 Q. Does it print it out per account?</p> <p>15 A. No, I don't think it gives any account specifics.</p> <p>16 It just does it by phone number only.</p> <p>17 Q. It shows the dates and times of all outgoing</p> <p>18 calls and calls received by a debt collector, but</p> <p>19 you can't tell from this who called or who they</p> <p>20 called?</p> <p>21 A. Yeah, we can tell who called because we know that</p> <p>22 the collectors, when they come in, have to log</p> <p>23 into their phones. They have a log-in code and</p>	<p>1 know. I don't know how far back we archive.</p> <p>2 Q. All right. Could you tell me what lines</p> <p>3 forty-nine to fifty-one designate?</p> <p>4 A. Okay. So Karen Duvall, regarding the same call,</p> <p>5 she simply added notes because she, she ended the</p> <p>6 documentation but remembered something after the</p> <p>7 fact that she wanted -- she felt was pertinent to</p> <p>8 document. So she added notes and just said did</p> <p>9 not verify address and Social Security and amount</p> <p>10 because he would not allow her to get that much</p> <p>11 information out.</p> <p>12 Q. What does line fifty-seven mean?</p> <p>13 A. A high-and-dry is -- that's a dialer term, and</p> <p>14 that means that they got -- they experienced dead</p> <p>15 air.</p> <p>16 Q. And what does AMD mean in lines fifty-nine and</p> <p>17 sixty?</p> <p>18 A. I'm not -- I don't know what the acronym</p> <p>19 specifically means, but it's an automatic -- I</p> <p>20 think it's automatic dialer or automated dialer</p> <p>21 message left.</p> <p>22 Q. And where it says answered call, that means that</p> <p>23 a -- what's the difference between answered call</p>

<p style="text-align: right;">Page 118</p> <p>1 and e-answer call?</p> <p>2 A.I don't know. It looks like there's an S too. I</p> <p>3 don't know what that means.</p> <p>4 Q.But that all means that telephone calls were</p> <p>5 made?</p> <p>6 A. Correct. And answered.</p> <p>7 Q.And in all of those, the person answering the</p> <p>8 phone would have heard a voice-recorded message,</p> <p>9 correct?</p> <p>10 A. Correct. It could mean -- the difference with</p> <p>11 these codes, with the letter codes, it could be</p> <p>12 that when we run a campaign, whether -- well, no,</p> <p>13 it couldn't be in this case because we never had</p> <p>14 manned campaigns on this, so I'm not sure what</p> <p>15 the difference between the E and the G is.</p> <p>16 Q.And the August 27, '07, according to this log, is</p> <p>17 the last conversation that ever took place</p> <p>18 between Firstsource and the debtor, correct?</p> <p>19 A. Where are we now?</p> <p>20 Q. Well, you just read lines forty-nine through</p> <p>21 fifty-one.</p> <p>22 A. Yes.</p> <p>23 Q. And this log doesn't show any further</p>	<p style="text-align: right;">Page 120</p> <p>1 parties, but the contact made by the collectors,</p> <p>2 whether it's on dialer or manual attempts. And</p> <p>3 then the QA department goes through those calls</p> <p>4 and grades them. And they have to do -- I</p> <p>5 believe it's six calls per month per collector.</p> <p>6 Q. So you recall six calls per month as an audit of</p> <p>7 sorts to make sure that they're following</p> <p>8 Firstsource's procedures?</p> <p>9 A. Correct.</p> <p>10 Q. And are their calls recorded?</p> <p>11 A. Yes.</p> <p>12 Q. Does Firstsource keep those records of the</p> <p>13 recordings?</p> <p>14 A. Yes. We do now. At the time that these calls</p> <p>15 took place, we did not have that system.</p> <p>16 Q. Okay. So what was the system back then?</p> <p>17 A. The Q -- the quality assurance representatives</p> <p>18 would actually have to look at what we call</p> <p>19 symposium where they would see the collector's</p> <p>20 activity on the phone and look for a live contact</p> <p>21 and then monitor the call remotely from their</p> <p>22 phone.</p> <p>23 Q. So they'd listen in on them?</p>
<p style="text-align: right;">Page 119</p> <p>1 communication -- conversations taking place,</p> <p>2 correct?</p> <p>3 A. That is correct.</p> <p>4 Q. And the account was closed on January 3rd, 2008?</p> <p>5 A. January 3rd, 2008, correct.</p> <p>6 Q. Okay. Does Firstsource have any procedures in</p> <p>7 place -- oh. At the time that the calls were</p> <p>8 made on these four accounts, did Firstsource have</p> <p>9 any procedures in place to insure that they did</p> <p>10 not leave voice-recorded messages on cellular</p> <p>11 telephones to people who did not consent to such</p> <p>12 messages?</p> <p>13 A. No.</p> <p>14 MR. HILLER: I think I'm almost done. I just want to</p> <p>15 review my notes for about five minutes.</p> <p>16 MR. BUSHWAY: That's fine.</p> <p>17 (Whereupon, a short recess was then taken.)</p> <p>18 BY MR. HILLER:</p> <p>19 Q. Can you tell me what procedures in place</p> <p>20 Firstsource has to monitor the debt collectors'</p> <p>21 activities that are employed by them?</p> <p>22 A. Okay. Presently we have a system called NICE</p> <p>23 that records the right party. Or, not just right</p>	<p style="text-align: right;">Page 121</p> <p>1 A. Yes.</p> <p>2 Q. Now, you testified earlier that the procedures</p> <p>3 that Firstsource follows are at least partially</p> <p>4 dictated by the client when they collect on a</p> <p>5 debt, is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. Are those procedures put in writing?</p> <p>8 A. I don't -- I'm not sure if they are or not. As</p> <p>9 far as -- I mean, do you have a specific --</p> <p>10 Q. For example, if Time Warner wanted Firstsource to</p> <p>11 call people even though the debtor verbally</p> <p>12 stated that they did not want any more phone</p> <p>13 calls and they had other policies for various</p> <p>14 things that you might encounter in the collection</p> <p>15 process, would they put that in writing?</p> <p>16 A. If it supersedes the FDCPA. If it went above and</p> <p>17 beyond, yes. If it was sticking to the minimal</p> <p>18 guidelines of the FDCPA, then no.</p> <p>19 Q. In other words, they might just say follow the</p> <p>20 FDCPA?</p> <p>21 A. Um-hum. Follow our own standards.</p> <p>22 Q. Follow your own standards. And -- or might -- do</p> <p>23 they sometimes tell you to do things that violate</p>

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1 Firstsource's policies?
 2 A.No. We wouldn't do that.
 3 Q.Okay. And they sometimes ask you to even be more
 4 careful than the FDCPA requires?
 5 A.Absolutely.
 6 Q.And do you know if Time Warner had any specific
 7 instructions beyond just follow the FDCPA?
 8 A.No, they did not.
 9 Q.They did not.
 10 A.No.
 11 Q.Okay. And I just want to -- I'm just drawing
 12 your attention back to Plaintiff's Exhibits 8,
 13 10, 4 and 14, the four call logs we went over.
 14 Those are all records maintained by Firstsource
 15 in their ordinary course of business, correct?
 16 A. Correct.
 17 Q.And to the best of your knowledge, those are
 18 true, unaltered copies of those logs, correct?
 19 A. That is correct.
 20 MR. HILLER: I don't think I have any further
 21 questions. Thank you for your time.
 22 THE WITNESS: Okay.
 23 * * * * *

1 STATE OF NEW YORK)
 2 SS:
 3 COUNTY OF ERIE)
 4
 5 I, Carla M. Glinski, a Notary Public in and
 6 for the State of New York, County of Erie, DO
 7 HEREBY CERTIFY that the testimony of JESSICA
 8 AMBER WILTON was taken down by me in a verbatim
 9 manner by means of Machine Shorthand, on January
 10 28, 2009. That the testimony was then reduced
 11 into writing under my direction. That the
 12 testimony was taken to be used in the
 13 above-entitled action. That the said deponent,
 14 before examination, was duly sworn by me to
 15 testify to the truth, the whole truth and nothing
 16 but the truth, relative to said action.
 17 I further CERTIFY that the above-described
 18 transcript constitutes a true and accurate and
 19 complete transcript of the testimony.
 20 
 21 CARLA M. GLINSKI
 22 Notary Public.
 23

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1 I HEREBY CERTIFY that I have read the
 2 foregoing 122 pages and that, except as to those
 3 changes set forth in the attached errata form(s),
 4 they are a true and accurate transcript of the
 5 testimony given by me in the above-entitled
 6 action on January 28, 2009.
 7
 8
 9
 10
 11 _____
 12 JESSICA AMBER WILTON
 13
 14 Sworn to before me this
 15
 16 _____ day of _____ 2009.
 17
 18
 19 _____
 20 Notary Public.
 21
 22
 23

Starkey, et al vs. Firstsource

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